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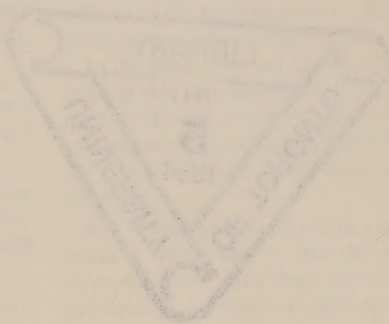


No. 96

# Hansard

## Official Report of Debates

### Legislative Assembly of Ontario



**Third Session, 32nd Parliament**

Tuesday, November 29, 1983

Evening Sitting

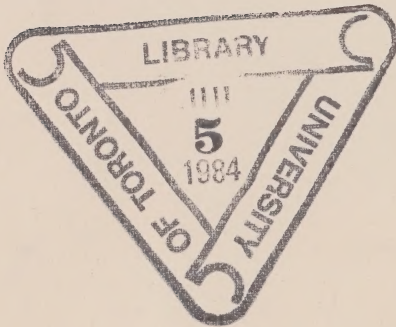
Speaker: Honourable John M. Turner

Clerk: Roderick Lewis, QC

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# LEGISLATIVE ASSEMBLY OF ONTARIO

**Tuesday, November 29, 1983**

The House resumed at 8 p.m.

**Mr. Martel:** Mr. Speaker, would you count heads?

**Clerk of the House:** We do not have a quorum, Mr. Speaker.

The Deputy Speaker ordered the bells to be rung.

**8:08 p.m.**

## FAMILY LAW REFORM AMENDMENT ACT

Hon. Mr. McMurtry moved second reading of Bill 93, An Act to amend the Family Law Reform Act.

**Mr. Kerrio:** Mr. Speaker, on a point of order: Before we go into orders of the day, I wonder if we might have the unanimous consent of the House to revert to statements, because we were given to believe by the Provincial Secretary for Justice (Mr. Walker) that the Attorney General might make a statement, to see if they might release that young woman before the day is out.

**The Deputy Speaker:** Order.

**Mr. Kerrio:** That is in order. With unanimous consent we could revert to statements to see if that young woman could be released.

**The Deputy Speaker:** Would the member for Niagara Falls please take his seat. The minister had already moved second reading. If we could proceed—

**Mr. R. F. Johnston:** We are willing to give unanimous consent to revert. With unanimous consent we can do anything.

**The Deputy Speaker:** Order. The minister has moved second reading of Bill 93.

**Hon. Mr. McMurtry:** Mr. Speaker, I do not have anything to add to my opening statement.

**Mr. Breithaupt:** Mr. Speaker, the amendments proposed in Bill 93 are certainly acceptable to the official opposition. There are only two things these amendments will do. First, there will be the remedy of an attachment order, which is rather effective. It was referred to by the Attorney General as the continuing garnishment which can occur and is now available against payments under a pension plan.

This remedy has been available in other aspects of financial arrangements. The opportunity for the pension to be attached where necessary is something we on this side of the House can accept. Even more important, the amendment allows this attachment order to be varied whenever the circumstances of the parties change.

One of the difficulties we have seen with respect to comments made as the Family Law Reform Act goes through a series of proposals of change is that an area of concern to many persons is the whole matter of variance of orders. We have all received comments from a number of organizations and committees, mainly formed by men, seeking relief from a variety of judgements or court orders. These men complain they have been unable, from their point of view, to receive a fair, sufficient and thorough hearing when they come forward to seek a variance. The concerns we all share in that area will no doubt be addressed as the Family Law Reform Act is thoroughly reviewed.

In the meantime, we have the opportunity to include this one particular point as an amendment to the act. We are prepared to accept the amendment. In our view, it will not be necessary for the bill to go to committee. It can proceed directly.

**Mr. Bradley:** Mr. Speaker, on a point of order: I would like to take the opportunity to have members show their appreciation for the presence in the members' gallery of Mr. George Nixon, the former member for Dovercourt.

**Mr. McClellan:** We are always pleased to welcome relatives of the member for Brant-Oxford-Norfolk (Mr. Nixon).

**Mr. Nixon:** He is on the Dick Nixon side.

**Mr. McClellan:** This evening I have the honour of standing in for my colleague the member for Riverdale (Mr. Renwick). I am pleased to announce he is celebrating his 66th birthday and I know we all wish him well. He has the pleasure of spending this evening with his family rather than with his colleagues.

Following the detailed instructions bequeathed to me by the member for Riverdale, I want to indicate we support Bill 93 on second reading.

We approve of the initiative of the government in adding pensions to assets under the Family Law Reform Act.

We have a modest amendment we would like to move in committee of the whole. My colleague the member for Beaches-Woodbine (Ms. Bryden) will move that when we proceed to committee of the whole House.

**Ms. Bryden:** Mr. Speaker, as my colleague has said, we are supporting this bill, but we consider it a very small step towards reform of the Family Law Reform Act which was passed five years ago. We have now had five years' experience and have discovered there are a great many deficiencies in that act.

I feel the Attorney General has picked up a small loophole in this bill which permitted people who were receiving pensions to escape attachments for unpaid maintenance orders. However, he has made the amendment rather narrow. It does not cover vested pensions that are not yet being paid out, nor will it cover the attachment of pensions until such time as payment does start.

A woman with a maintenance order in default will not get any relief from this bill except under very narrow circumstances. That is one reason why we are sending it to committee and proposing an amendment to broaden the scope of it.

As I said, it is a very small step towards reform. Massive reforms to the Family Law Reform Act are needed. For example, we still do not have sharing of nonfamily assets in this province except by court decision. There is no automatic sharing of nonfamily assets on marriage breakup as there is in several other provinces, including Quebec, Saskatchewan and Manitoba.

There is no mediation system in family law for bypassing litigation. It is really a gift to lawyers. In many cases, a lot of the family assets are even frittered away—maybe that is not the correct term—and lost in legal fees.

There is insufficient protection for the matrimonial home as the Stoimenov case has shown us. A spouse can put mortgages on the matrimonial home and then disappear, leaving the other spouse with a matrimonial home that is so encumbered that she really has no home and usually has to default on the mortgages and go on welfare.

We have insufficient enforcement of maintenance orders. That is what this bill attempts to address in some senses. Statistics recently issued indicate that there is something like \$42 million worth of unpaid support orders in Ontario and

that maintenance orders for about 65 per cent of women receiving maintenance are in default. It indicates there is great need for strengthening the enforcement and the kind of assets that can be attached, which is what—

**The Deputy Speaker:** Order. If I may, I would like to interrupt the member for a moment. The level of comments and individual conversations throughout the chamber is slowly rising. We have guests in the gallery this evening.

Interjections.

**The Deputy Speaker:** Order. It is not decorous and does not give the member an opportunity to debate. Could we keep conversations to a bare minimum or outside the chamber?

Interjections.

**Ms. Bryden:** As I was saying, there is \$42 million worth of unpaid maintenance orders in Ontario. This affects something like 40,000 spouses and dependants who are suffering from this spousal default. This is a very serious problem and indicates that this legislation needs a great deal more amendment.

The treatment of pension benefits is certainly one of the areas where we could extend the law to make sure that all pension benefits are subject to attachment. In addition, all pension benefits should be shared on marriage breakup. At the present time, they are not considered family assets. A wife can help her husband during 30 years of marriage so that he can keep a job with a pension attached to it. He receives pension credits and earns a pension, but in effect, he earns that only because he also has a spouse who is providing him with a home. Pension benefits are not considered an asset in Ontario that can automatically be divided on a 50-50 basis in marriage breakups.

Then there are registered retirement savings plans, another form of pension benefits, into which a great many well-off people are putting their money. RRSPs are earned during the marriage and the opportunity to contribute to them comes from the joint efforts of the spouses, but they are not considered assets which are divided on a 50-50 basis either. A man can salt away a lot of money in an RRSP and the wife, on the marriage breakup, will not get a penny of it unless she goes to court and can claim it.

8:20 p.m.

One woman, Mrs. Leatherdale, went to court on this issue and was given only a small portion of the registered retirement savings plan and the stock her husband had acquired as part of a stock option plan because she had not worked



full time outside the home. Only the years when she did work outside the home were counted in deciding her share of those pension benefits.

That is another area where the Family Law Reform Act is very defective. There is still no real recognition in it of work done inside the home, where the woman contributes to the family welfare and to the family income, in effect, by providing free labour to raise the kids and to handle the household problems and all the household duties. That is not recognized in any division of pension benefits that are not family assets but are considered to belong to her husband. That is another case where court decisions have revealed the loopholes in the law.

I introduced a private member's bill last February to correct those two loopholes in the Leatherdale case and the Stoimenov case, but unfortunately the government has not seen fit to adopt those amendments.

There is also the question of sharing assets on death, a division of property that should be part of the Family Law Reform Act and is not; it is only on marriage breakup. There can be wives who have contributed a great deal over the years to their husbands, but when a husband dies he can deal his wife out of his will completely. He sometimes has to give a certain minimum to his spouse and a certain minimum to his dependants, but the rest he can give away.

Those are some areas where we would like to see the Attorney General (Mr. McMurtry) bringing in much more comprehensive reforms in this law. I urge him to consider my motion, which is on the order paper, to have a select committee appointed to study the whole act after its first five years are up, which is right now, and to hear from the people who have been aggrieved as a result of this act and who are suffering considerable hardship.

I get a considerable number of letters, particularly from women who have had a very bad experience under this act. I know there are some men who also have had bad experiences under it and who feel it is not fair to them either. That is another reason we need a select committee—

**The Deputy Speaker:** I remind the member that we are dealing with the principle of the bill before us this evening. I ask her to hark back to the principle.

**Ms. Bryden:** Mr. Speaker, I am commenting to the Attorney General that this bill only indicates the tip of the iceberg and that he should have a select committee to study the

whole act. It was considered very avant garde reform legislation, but it has been shown to have a great many loopholes in it and it is time for a thorough review of it.

As my colleague mentioned, we will moving an amendment to try to broaden the attachment orders a little bit in the committee.

**Mr. Roy:** Mr. Speaker, I thought I should say a few words about the amendments brought forward to the Family Law Reform Act. As one of the people who was originally on the committee going back to 1978—

**Mr. Conway:** That long?

**Mr. Roy:** Some of us do have some experience here.

**Mr. McClellan:** Were you paid by the hour?

**Mr. Roy:** Obviously my colleague was not paid by the hour for that last speech of his. He would not have made very much.

As I was saying before I was so rudely interrupted, in 1978, when the Family Law Reform Act was originally passed, I can recall all the submissions that were made before the standing committee on administration of justice at that time, the criticism of the bill and of the loopholes, as the preceding member said, that were said to exist. When one looks back to 1978 from 1983, five years later, the Family Law Reform Act has established a principle or criterion which, by and large, if one were to give it marks, has worked very well in the division of property between couples since 1978.

It was, I think, the most important piece of legislation affecting Ontario society since 1971. It was very important legislation, and those of us at the time who had faith in the legislation said we should proceed cautiously. I think I have been somewhat vindicated. The Attorney General (Mr. McMurtry) will recall some of the discussions that took place at that time. The member who spoke before me said all family assets should have been divided equally. We felt the courts should be given more flexibility.

When one looks at what has happened since 1978, in the division of property, the equity that was intended to be established by giving flexibility to the courts and to the judges has been pretty well followed. In fact, justice and equity have prevailed in most cases. Of course, there have been some exceptions, and one of the problems is the attachment of orders. Many orders were enacted by the courts, and individuals who were the subject of these orders absconded, did not pay the orders or found ways to get around them.

As I understand this amendment, it is a way of giving some teeth to court orders. It gives some protection to the beneficiaries, most often the wives or children, against husbands who are trying to circumvent the court orders. This amendment will play a useful role in the sense that many people now involved in corporations, governments and everything else are building up pension plans; very often that is the only equity or asset of an individual.

Prior to this amendment, it was uncertain and difficult to arrive at some form of attachment, and that was unfair. I think the Attorney General was convinced of that, which is why he is bringing forward this amendment. For instance, I think people will understand that it was unfair that an individual who was able to waste the assets would find himself in a court, there would be an order for support for either the children or the wife or both, and he could either quit his job or change his jurisdiction.

It is always difficult when an individual changes jurisdiction. Often, if it were not for the pension plan, there would be nothing. There are no other assets that could be attached. This amendment will be important where an individual is saying: "You cannot touch my pension plan. I am going to turn my nose up at the order. I am going to take steps to circumvent it." This is the reason the critic of our party, who spoke previously, and I are in full support of the amendment.

We realize there may be other important amendments coming after the five-year review that I think has been promised by the Attorney General. There is always a way of refining legislation to make it more equitable. I always find it interesting when people in this assembly propose all sorts of legislation as the be-all and end-all, the solution to all sorts of problems. Especially when dealing with family law and family relations, each individual, each situation, each marriage sometimes, is different from another, and that is why the flexibility has to be kept in for the presiding judge in the court that is administering this act.

**8:30 p.m.**

I see flexibility is being kept in this amendment, if it is going to be an amendment that is going to be positive and is going to give some teeth to court orders. I agree with the previous speaker that too often people are finding ways to circumvent court orders. As you well understand, Mr. Speaker, there is no way an individual who decides to circumvent a court order can be made to pay support if he decides to take off

tomorrow, quit his job and go to Australia. There is no way one can get an order that will give some support to his wife or children if he does that, or if he is prepared not to earn any salary at all.

However, very often this individual will have accumulated a pension. This is where it is going to be important. As I understand the amendment—and the Attorney General can correct me—this will apply not only to pensions that are vested but also to pensions that will vest in the future. In other words, is it necessary for this attachment to take place where the individual is receiving pension payments? Can it attach to a pension that will vest in the future?

From reading the particular section, I am not sure whether that is the case. When one is talking about "thereafter due or accruing due," I am not sure exactly what it means.

**Hon. Mr. McMurtry:** It has to vest.

**Mr. Roy:** It has to vest. Given that situation, maybe the Attorney General can explain for me why the order could not be attached to a pension that will vest in the future but is not vested now. The pension will not vest for many years down the line, yet there is equity there. There is something that can be attached. If the individual were to quit his job, at least he could accumulate the payments he has put into the pension plan.

As I recall, there has been some criticism. I have received some correspondence from the bar in Ottawa about individuals who have tried to attach pensions that have not vested and they have been frustrated. I would like to know whether there is some technical or legal reason why it cannot be done. If there is an order, why could it not apply to the payments but also to a pension plan that will vest in the future?

**Hon. Mr. McMurtry:** Very briefly, Mr. Speaker, I appreciate the submissions and the support of my colleagues opposite. The issue addressed by the member for Ottawa East is really the subject matter of the amendment proposed by the member for Beaches-Woodbine (Ms. Bryden).

The difficulty with the pension is that one is dealing with capital. I was going to address this issue when the amendment was introduced. To grab the capital would, of course, jeopardize the pension plan as a whole. The Pension Benefits Act recognizes this in prohibiting seizure of capital in a pension plan for any purpose. We have never departed from that in principle.

As I think the members opposite know, a pension plan depends on stability and predict-



ability. If one starts to pull out capital, then the other members of the plan are threatened with respect to the calculations of benefits and contributions. Unexpected withdrawal of capital can have a very negative effect on other members of the plan. It upsets all the actuarial calculations. This is why the Pension Benefits Act in our province has prohibited that.

So far as the attachment order is concerned, once it is issued it remains in force forever, until the debt is paid; it intercepts payments as they come out. To do otherwise would jeopardize the capital of the pension scheme and would adversely affect all members who are part of the pension plan. This would be, in effect, the objection I would have to the proposed amendment.

Motion agreed to.

Bill ordered for committee of the whole House.

**Mr. Kerrio:** Mr. Speaker, I rise on a point of order which I think is pretty important.

Earlier today, the Provincial Secretary for Justice (Mr. Walker) told us he would take into the account the fact that a rape victim is incarcerated for contempt. It is a very serious problem that this woman is incarcerated. We were given to believe that something was going to be done today, because we do not sit tomorrow.

This is a very disturbing matter to many members of this House. I ask whether we could not have the unanimous consent of the House to revert to statements so the Attorney General can tell us whether he is going to allow that young woman to stay incarcerated or whether there is going to be something done about it. I think it is time we heard.

I would like unanimous consent, Mr. Speaker, to revert to statements and see whether the Attorney General—

**The Deputy Speaker:** Before asking for that—and of course we will; we are in the hands of the House—perhaps the member would want to know, and others members as they make their replies, whether the Attorney General is in a position to be helpful at this point. Perhaps the member would permit an indication from the Attorney General and that would help people as they make their decision.

**Mr. McClellan:** Speaking to the point of order, Mr. Speaker: I am sure my colleagues in this party will gladly give unanimous consent if the Attorney General wishes to make a statement. We are pleased—

**The Deputy Speaker:** Order. We are not talking about a point of order. I have had a request for permission to revert to statements. What I was suggesting was that perhaps the Attorney General could indicate whether he would be prepared with a comment. Otherwise, I will put the question and I am in the hands of the House.

**Hon. Mr. McMurtry:** Mr. Speaker, I am quite prepared to make a brief statement at this time but not to get into a debate on the issue, because we have a lot of legislation. I will be making a full and complete statement to the Legislature on Thursday. But if it will assist my friends opposite, with their consent, I want to make a brief statement, which is simply as follows—

**The Deputy Speaker:** Is it then the pleasure of the House that we revert for a brief time to statements?

**Some hon. members:** Agreed.

**Mr. J. M. Johnson:** Mr. Speaker, on a point of order: I would simply like to ask, is this a precedent?

**Some hon. members:** No.

**The Deputy Speaker:** Clearly, we are in the hands of the House.

**Mr. J. M. Johnson:** Is it a precedent?

**Mr. McClellan:** No. We have done it a million times.

**The Deputy Speaker:** There will be a brief statement. There will be no questions. We will hear the Attorney General with a brief statement—

**Mr. J. M. Johnson:** I will agree to unanimous consent if it is simply a matter of a statement; but if not it goes into questions.

**The Deputy Speaker:** There are no questions; that is not at issue.

**Mr. Kerrio:** I am not anxious to ask questions.

**The Deputy Speaker:** The Solicitor General was on his feet earlier and I did not have an opportunity to recognize him. I will allow him one quick comment.

**Hon. G. W. Taylor:** Mr. Speaker, just as a point of clarification—and I do not want to debate it with the honourable member who has raised the issue—I think the Provincial Secretary for Justice did indicate that the Attorney General might be back later on in the question period when questions could be asked of him. There was not a commitment by the provincial secretary that the Attorney General would be back to make a statement.

**Mr. McClellan:** You check Hansard and see what was said.

**Mr. Martel:** What are we wasting time for?

**The Deputy Speaker:** Order. Is there unanimous consent to revert to statements for a brief statement by the Attorney General?

Agreed to.

## STATEMENT BY THE MINISTRY

### DETENTION OF RAPE VICTIM

**Hon. Mr. McMurtry:** Mr. Speaker, I want to make it clear to my colleagues that the very brief statement I am going to make at this time is in no way intended to deal with many of the issues that arise out of this very unhappy case.

However, I would like to make the point so far as it was suggested that the Attorney General should launch an appeal in relation to the seven-day period of incarceration that was imposed by Mr. Justice O'Brien, that it is the view of myself and my senior law officers that the Attorney General has no status in the matter insofar as an appeal is concerned, except to ask for a stiffer penalty.

8:40 p.m.

Second, I should tell the House that the young woman's lawyer advised the crown attorney, who offered to expedite any appeal, that his client did not wish to appeal the matter. As a matter of fact, the crown attorney, who did not ask for incarceration, made arrangements that the young woman in question not be transported from the courthouse in order to expedite an appeal in the event that she wished to launch an appeal through her lawyer. She made it very clear that she did not. That is where the matter rests at the present time, but I will be making a more complete statement on Thursday.

### CHARITIES ACCOUNTING AMENDMENT ACT

**Hon. Mr. McMurtry** moved second reading of Bill 94, An Act to amend the Charities Accounting Act.

**Hon. Mr. McMurtry:** Mr. Speaker, this amendment, as I said when we introduced this legislation, was simply to restore the charities' right to take mortgage security for loans as they are permitted to do under the now repealed Mortmain and Charitable Uses Act.

This was certainly the intention of this legislation and we did not intend to prohibit charities that have surplus funds available, from loaning

the money out and taking mortgage security for these loans. This is to remedy an oversight.

**Mr. Breithaupt:** Mr. Speaker, the description of this circumstance was set out by the Attorney General when the bill was introduced for first reading. This explanation is satisfactory to us, since the amendment only restores by a correction the situation to what it was meant to have been continued before the repeal of the Mortmain and Charitable Uses Act. As a result, we are certainly prepared to accept the bill.

**Mr. McClellan:** Mr. Speaker, we also support Bill 94. The bill simply corrects what appears to have been an oversight in the original drafting of the legislation. We understand there was no intention on the part of the government to prohibit charities from investing in mortgages, so we support the bill and see no need for it to go to committee.

**Hon. Mr. McMurtry:** Mr. Speaker, I appreciate the support of the members opposite.

Motion agreed to.

Bill ordered for third reading.

### COURTS OF JUSTICE ACT

**Hon. Mr. McMurtry** moved second reading of Bill 100, An Act to revise and consolidate the Law respecting the Organization, Operation and Proceedings of Courts of Justice in Ontario.

**Hon. Mr. McMurtry:** Mr. Speaker, I really have nothing to say at this time simply because I think it is agreed on both sides of the House that this bill should go out to the justice committee. I think my Justice critics have agreed that there should be at least one week set aside in order to permit interested members of the public to make submissions. Given the fact that we will have time for a very lengthy discussion, I do not think there is anything I can usefully add at this time.

**Mr. Breithaupt:** Mr. Speaker, I am certainly pleased to rise and speak in support of approval of Bill 100 in principle. It is perhaps a propitious number for a bill because we probably will not see an exercise like this for another 100 years.

The first reading of the bill was made in this House on October 27, and even though the Attorney General in his opening remarks stated, "I hope the House will enact this bill before the New Year so that the act and the new rules can both come into force next July," there was not much prospect the bill was going to be dealt with.

We received a list of government legislation and Bill 100 was not on the must list or on the

likely list. It appeared solely on the desirable list and with the amount of legislation expected to be dealt with, it did not seem as though we were going to be able to deal with the bill.

In spite of the Attorney General's best intentions I thought he might be able to use a little help. Yesterday, with the co-operation of my colleague the member for Riverdale (Mr. Renwick), I sent him a note suggesting that if there were public hearings for the bill we would be able to deal with it quite promptly on second reading and get his proposal back on the track.

The problem is that by the passage of the bill it was hoped the rules of the court would be dealt with and prepared so they could go into effect on July 1, 1984. I am hopeful the procedure which has been suggested will still allow that to take place. If the bill is dealt with at the committee stage during the winter interval then I hope it can be before this House for third reading in the first week or two of the spring session, with the prospect that the mechanics of the rules can then be in place.

It is impossible in a few minutes to discuss in any detail a statute which will restructure the whole court system of Ontario, although at the outset I would state that any bill which results in the repeal of more than a dozen other statutes of this assembly is most welcome.

The time and energy spent in this place and in many other legislatures to improve upon the Ten Commandments is really worthy of note from time to time. At least we will see by the passage of this bill an end to the Unified Family Court Act, the Vexatious Proceedings Act, the Small Claims Court Act and the Sale of Goods Act. Large chunks of the Solicitors Act and the Judicature Act and many others are going to be repealed. Such daily concerns to the people of Ontario as the Dominion Courts Act, the Estreats Act and the Extra-Judicial Services Act are all going to be repealed by Bill 100.

If that was not enough, Mr. Speaker, the Public Officers' Fees Act, the Quieting Titles Act, and even that one you know so well, the Replevin Act, will all be things of the past once Bill 100 is in place.

The bill is based on a series of very important studies which have been done for the Attorney General over the last several years. We have the 1978 report of the Honourable George Gale on the Provincial Courts Act. This was followed by a massive study under the directorship and chairmanship of the late Walter Williston, QC, of the whole civil procedure revision committee and its report which appeared in June 1980. We

had the discussion draft of this bill at the end of March and the proposed act itself in June.

So the time which has been spent on this bill, the preparation for it and the effort that has gone into this whole project represents a staggering total commitment by a great variety of people involved in the administration of justice across Ontario. Indeed, the further revision of the full set of the rules of the court is also nearing completion under the direction of the Honourable Mr. Justice John Morden, who is a long-time and valued friend. I must say that his capability to perform such a task truly sets him apart as one who is really committed to the administration of justice, to the rules of the courts and to the advancing of those particular topics; a tremendous, time-consuming task.

The leadership he has shown in making those changes connect and in weaving this whole procedure by a set of rules into a practical reflection of the statute we are going to have before us should be welcomed with great approval by this Legislature. Since we are not likely to have a chance soon to comment upon the task he and his colleagues are undertaking, then perhaps we have the opportunity this evening to do so, to thank him and to thank the many others who have been involved in all this committee work throughout the piece.

**8:50 p.m.**

As I have mentioned, we have quite a task before us as we attempt to bring the entire administration of justice in Ontario into the 1980s and to put it into one major source, one reference, one statute of this Legislature. There will certainly be some groups that will make further suggestions at the committee stage.

As the Attorney General is aware, some of the county law associations have expressed interest in particular areas and I am sure they will likely appear before us. Today I received a letter from Mr. Colin D. McKinnon, the chairman of the Presidents of the County and District Law Associations in Ontario, setting out a variety of concerns he had. He forwarded a copy of a memorandum from the family law section, Canadian Bar Association, Ontario branch, concerning its views on certain sections of the bill.

He goes on to say that many of the presidents of the various associations had a variety of comments from their members on these proposals before us. Early on, we were not privy to any of these complaints or concerns by these worthy practitioners of common law across this province. However, perhaps better late than



never, we are finally hearing from them in the hope they will be able and have the opportunity to make certain comments when the time comes at the committee stage.

I do not know whether that committee stage will take more than several days or not. It will depend on the time it takes to get through to the members of the committee what the project is about. That might take a day or two of explanation, but we will also have the opportunity to hear a variety of other groups who are interested in particular concerns not only as members of various associations or organizations who have been involved in this procedure but also as individual citizens of the province who may have certain concerns about the operations of the courts or a variety of other points that are going to be included in this legislation.

There is one issue which has been mentioned earlier and that is the proposal we have heard from time to time concerning the merger of the Supreme Court of Ontario and the county court system. This is of particular interest, as I understand it, to the Carleton Law Association and no doubt to others around the province. They will have their chance to come forward and make a variety of suggestions that will be interesting. I hope at that time to remind them that when they are sending a series of their proposals and suggestions for legislative change they should go not only to the Attorney General but to other interested parties; in the future they might even include the opposition, so that—

**Mr. Conway:** The Carleton bar has an advocate here already.

**Mr. Breithaupt:** We have that advantage and I am sure we will hear more about that in a moment.

We have also had comments in a number of editorials with respect to the court system and the openness of it, the matter of security in the courts, closing various trials and the powers of judges to deal with those subjects. I have been apprised of two recent editorials, one in the *Toronto Star* and one in the *Ottawa Citizen*, which raised that series of themes. I would hope the faceless writers of these editorials might again favour us with their involvements and comments. There may well be persons who will appear before the committee in order to set out these concerns in a more particular way that will be of use as we attempt to revise this entire statute.

Certainly committee hearings are the way to go in this bill. I am pleased to see the Attorney General has accepted that as a useful proce-

dure. The result of the committee hearings will mean, as I mentioned earlier, that we can get on with the completion of the mechanics of passage of this bill through third reading in the early days of the next session. Perhaps we can make that July 1 deadline just the same.

It so happened that I received a comment from Lorraine Gotlib, QC, the president of the Canadian Bar Association, Ontario branch, who was concerned about the prompt passage of this bill so that the publication of the rules would not be delayed until the bill had to be otherwise completed. There is an education program which is now desired by the Ontario Bar Association. I am sure they will be able to proceed with the rules as promulgated even though the bill will not have received third reading. There may be minor changes to the bill at committee stage, but I would think they could get on with their educational program at least in anticipation that Bill 100 will likely be passed substantially in its present form.

There is a certain sawoff of responsibilities in this matter. We have to deal with those who wish prompt passage of the bill because other things hinge upon it. On the other hand, we have to deal with a variety of organizations and groups which may have something to say to us. Their opportunity to say their piece and give their statements at the committee stage is something to which we will all look forward.

I appreciate the opportunity to speak on second reading of this bill. It is a rarity in any jurisdiction that there is an attempt to put all the legislation dealing with administration of the courts into one statute and to clear the decks of literally several dozen other pieces of administrative legislation and procedural statutes that have grown up over the years.

We are pleased to support Bill 100 and we look forward to the committee stage.

**Mr. McClellan:** Mr. Chairman, we too are not opposed to the passage of Bill 100 on second reading. I know my colleague the member for Riverdale (Mr. Renwick) would want me to thank the Attorney General for agreeing to send the bill out to committee so that public hearings can take place. Those who are most vitally interested in the organization, operation and proceedings of our courts will have full opportunity to come forward and make their views known, hopefully not on a billable-hour basis. Some will come forward on a billable-hour basis, but I am sure that will not be the prevailing spirit of participation. The members of the assembly will have an opportunity to look



at this very complex and significant legislation in considerable detail.

I will not be very long in speaking to this bill, but I do have a couple of points I want to make. First, this is the bill that caused such a flap a few short weeks ago when members of the press gallery here at Queen's Park accused the Attorney General of hiding his light under a bushel. This bill is significant and not only because it is printed in both our official languages, English and French. I believe that makes the statue unique. The Attorney General is to be commended for that and we all hope it will become the routine practice in Ontario.

Second, the bill re-establishes the policy of the Ontario government in according official status to both official languages in the courts of Ontario. Some of us appear to have been confused as to what the actual status of both official languages was in the courts of Ontario. If we were confused, not to be carping or critical, I think it is simply because of a certain reluctance on the part of the government to state clearly, loudly and with pride what its accomplishments are in the realm of recognition of both official languages.

**9 p.m.**

We hope the day is not far off when official bilingualism will become the policy of the government of Ontario. That does not appear to be the case with the incumbent first minister. Perhaps his successor will have a more enlightened policy. Perhaps even now I am looking at his successor, I really cannot say. Perhaps we do not have too long to wait before a more significant Canadian policy is enacted by the government of this province.

The Attorney General knows, and I am sure the Premier (Mr. Davis) knows as well, that if they take that step they will have the warmest and the most wholehearted support of the New Democratic Party and, I believe, my colleagues in the Liberal Party. I do not think there is anybody in the opposition who is opposed to the establishment of official status for both official languages in this province. We hope the day is not too far off when the kind of action taken with respect to the courts is extended.

The second point I want to make is a minor one. I am pleased to see the status accorded to the unified family court of Hamilton-Wentworth. This is an experiment many of us, not just in the legal profession but in the social work profession, have been watching with a great deal of interest since it was initiated. Quite frankly, we have been disappointed that the unified family

court model has not been expanded more quickly to other parts of the province.

For the life of me, I do not know what the reason has been for the reluctance to expand upon that model. I assume it is cost and a question of constraints and restraints rather than any deficiencies in the model. My understanding, after having looked at the assessment material done over the years, is that the model has been a resounding success and deserves to be extended to other jurisdictions.

My understanding of Bill 100 is that the unified family court model is accorded a kind of integral status within the courts of justice system and that there are provisions in the bill for the extension of the unified family court to other jurisdictions. Again, I hope very much that expansion will take place without much further delay.

I want to make a brief reference to a statement made by the Attorney General on October 27 when he introduced Bill 100. On page 2 of the statement he stated there were a number of changes proposed in the bill. One of them he highlighted concerned the independence of the judiciary. I speak as a layman with no legal training and very little experience of the courts. I have to say the kind of thing that preoccupied the assembly this afternoon has to do not so much with the independence of the judiciary as with the very integrity of the judiciary. I hope the Attorney General understands that.

For those of us who are not lawyers, and I think I speak for many people in this province, it is quite simply beyond our comprehension how the kind of travesty of justice occurred in Ottawa with respect to the woman who was incarcerated because she was a victim of rape and was afraid to testify against those who were charged with the offence. That kind of travesty of justice calls into question the very integrity of the judiciary, to say nothing of its independence.

Any action the Attorney General can take at this point to deal with that has nothing to do with partisan politics. It has to do with a profound concern about the way the justice system in this province operates. I will not belabour the point. The point has been made, and I think the Attorney General knows very well what the concern is.

My colleague the member for Riverdale made some specific suggestions that are recorded in Hansard, which I hope the Attorney General will take the time to peruse. If there is any way of proceeding upon those suggestions, I hope he will take action.

We have come to a kind of watershed in this country with respect to the judiciary and the way in which judges are appointed. I am not trying to make partisan political points, but we are at a stage now where we have a Constitution that gives the judiciary a new kind of power in relation to parliaments and legislatures and that forces us to reassess the way judges are appointed in this country.

Let me be very blunt about it. It is just not good enough in a political system that relies on judges to interpret a Constitution on the basis of some equality with what was previously perceived to be the supreme law-giving institution of the country, our Parliament. It is no longer good enough for judges to be appointed on the basis of their political loyalty or on the basis of their lifetime contribution to political parties; I do not care whether it is the Conservative Party, the Liberal Party or the New Democratic Party. It is simply not good enough as a criterion or a qualification for judicial office that one has been a loyal party war-horse or a good fundraiser for the party or some other kind of a party functionary.

Those members who have concerns and objections about the American solution of the election of judges had better come up with an alternative to the present qualifying requirements because they are quite simply not good enough. There are too many judges who are quite obviously unfit to serve and who demonstrate that in their day-to-day courtroom behaviour.

The final point I want to bring up, again as a layperson whose experience of the courts, mercifully, is not firsthand so far, has to do with the centuries-old preoccupation of all citizens having to do with the law's delays. In the nine years I have been here, I have received a steady barrage of mystified complaints from constituents who from time to time enter our judicial system, not as transgressors of the law, but as witnesses before proceedings that are usually of a very minor nature.

The amount of sheer, unnecessary, time-wasting nonsense that is inflicted on the citizens of this province—and I assume of every other province and every other jurisdiction in the Western world as well—because of the wonderful practice of members of the legal profession of appearing to be in two places at once, one of which is not the courtroom in which they are required to appear at a specific time of the day, is absolutely wonderful to behold.

I remain mystified as to why the legal profes-

sion has immunity for this kind of irresponsible behaviour. If a doctor is supposed to be in an operating room to perform surgery and has booked himself into another operating room at the same time on the same day to perform other surgery, he is quite liable to be charged with professional misconduct and malpractice. If a social worker, to take an example closer to home, consistently doublebooks himself or herself, he or she is undoubtedly going to be fired reasonably forthwith.

**Mr. Kerrio:** Who are you kidding? You cannot fire anybody today.

**9:10 p.m.**

**Mr. McClellan:** One can fire social workers. I can assure the member. Social workers who engage in that kind of irresponsible malpractice, if they are employed by a family service association and are doublebooking themselves on a consistent basis, would be fired by the employers, make no mistake about it.

A construction worker who was trying to be in two places at once would be fired.

**Mr. Kerrio:** He would go broke.

**Mr. McClellan:** He would go broke. There is no great mystery to it. Either a person performs at the level of responsible, professional conduct or he does not.

I continue to be absolutely astounded at the kind of immunity from normal business and professional practices that the legal profession assumes is a matter of professional right unto itself. The level of sheer, galling annoyance the legal profession seems to feel it can inflict on long-suffering members of the public who are dragged into our judicial system, only to have court appearances postponed, delayed, postponed, delayed, delayed and postponed on an indefinite basis, is preposterous.

I do not see anything in Bill 100 that deals with that; I am sure it is a drafting oversight. I know my colleagues in the Liberal Party agree with me on this, particularly the member for Brant-Oxford-Norfolk (Mr. Nixon), who shares something of this obsession. I really hope the Attorney General can pay some attention to it.

I hope he is aware of just how incensed average citizens are with the justice system when this kind of preposterous behaviour is inflicted upon them. I do not see that it is necessary for lawyers to doublebook and triplebook themselves. They make commitments they cannot keep, and when they fail to show in court, they are not required as a matter of routine to show cause why they have not

fulfilled their obligations to the court. If they fail to show cause, why are they not disciplined? I do not understand that at all. If somebody has cause for failure to appear, obviously the courts should take that into account.

**Mr. Martel:** The Attorney General did not show up today. He had a commitment here.

**Mr. McClellan:** That was different.

**Mr. Martel:** He is used to that system.

**Mr. McClellan:** We were informed that was a matter of urgent family importance. I am sure that is the case.

**Mr. Martel:** Oh, no.

**Mr. McClellan:** That is not what I am talking about. I am talking about, I hope—

**Mr. Speaker:** Bill 100.

**Mr. McClellan:**—some things in Bill 100 with respect to the organization of our courts that will require lawyers to appear in court when they are scheduled to be in court, to show cause if they fail to do so, and to be disciplined if they fail to show cause. I think that is a very elementary set of propositions.

I know my colleagues in the Liberal Party who are members of the legal profession agree with me. I can tell by the way they are shaking their heads.

**Mr. Kerrio:** Albert Roy does not agree with you, but I do.

**Mr. McClellan:** It was a veritable orgy of head-shaking going on over there and I know they agree with me.

**Mr. Breithaupt:** As close to an orgy as we ever get.

**Mr. McClellan:** I notice that I seem to have put the entire Conservative caucus to sleep, so at this point I will withdraw from the fray.

**Mr. Roy:** Mr. Speaker, I am sure you would be disappointed if I did not make a few comments about this legislation. You will understand that as a—

**Mr. Stokes:** Another apologia.

**Mr. Roy:** No. I want to say to my colleague, the Speaker's predecessor, the member for Lake Nipigon (Mr. Stokes), that I will speak very slowly and I will explain the legislation fully so that even he can understand. I do not want to be overly offensive and I will not be apologizing for this legislation at all.

What I wanted to say was that I am sure, Mr. Speaker, you would have been disappointed, knowing that I sometimes practise on a limited basis, that I would remain silent when the

Attorney General brings forward a bill as massive as this. It will force my colleagues and myself in the profession to restudy the law and to learn our rules all over again. That is going to be another challenge.

Although I am not sure what they are saying, I want to say to my colleagues in the New Democratic Party who are commenting that this education will be paid for in due course by the people we serve. I want to say, as well, that this Attorney General is exceedingly popular with the law profession, and well he might be, because he has provided work for the profession such as has no other Attorney General in the history of this province.

We talked earlier about the Family Law Reform Act and what a boon that was to the profession. With increasing numbers coming into the profession, we realize the work is necessary. It is being put to good use. There are a lot of bodies out there and they need the work.

**Mr. Stokes:** Are you saying this is a make-work project?

**Mr. Roy:** It could be called that. There was the Succession Law Reform Act and then there was legislation dealing with children. There was legislation dealing with a variety of other topics which has been very important and very helpful to the profession. I do not even mention the Charter of Rights and Freedoms.

The Attorney General was instrumental in the Charter; he played a key role. All one has to do is read those lectures from the Queen's Law Journal.

**Mr. Conway:** By his own writing.

**Mr. Roy:** By his own writing, he played a very important role. In fact, to celebrate it, they had a little do last week. I met Jean Chrétien going back on the plane. Jean kept saying to me that he played the most important role, in spite of the lectures in the Queen's Law Journal by the Attorney General.

With all of this legislation, this Attorney General is very popular with members of the profession, both English and French. This has got to be the precedent in this House—a massive piece of legislation in both official languages. It should be underlined that this is an important precedent.

I will not get personal with anybody. Some of our colleagues are not overly enthusiastic about this, but to give full marks to the Attorney General, he has given teeth to his promise that he would bring forward French-language services in the courts. He has done that.



**Mr. Breithaupt:** It is even on metric-size paper.

**Mr. Roy:** Mr. Speaker, that is an unfair jibe by my colleague the member for Kitchener. It will not be long until our friend the member for Leeds (Mr. Runciman) will be reaching over to ask the Attorney General why he is undermining his protest.

Mr. Speaker, it should be underlined that this is an important event in this assembly. We are getting legislation in both official languages. My colleague the member for Bellwoods (Mr. McClellan) mentioned it was somewhat unfortunate that when the bill was first presented to this assembly, the press, as misguided as they always are—the Attorney General and I both know that—somehow felt the government and the Attorney General tried to spring a fast one on them.

They took the position that the Attorney General did not highlight the fact there was section 135 which made an official declaration of both official languages in the legislation. They felt it was unfair that the English-speaking press on their own should try to find this in this massive piece of legislation. Even the index is massive. It is more—

**Hon. Mr. McMurtry:** I know it is asking too much for them to read a two-page summary.

**Mr. Roy:** The press like things summarized and highlighted. The English-speaking press felt it was unfair that such a thing should not be highlighted for them when the French-speaking press had been getting calls from the French-speaking co-ordinator saying, "Did you see the nice things which are in this legislation?" They felt this was unfair. In some ways it is unfair, in the sense this is the most press which this legislation had. The legislation is far more important than that.

**9:20 p.m.**

In that sense, I suppose the Attorney General was unfairly treated, to receive the kind of slings and arrows which resulted from that little escapade. I remember being at home—it was probably Friday afternoon, because Friday morning I am usually here, as you know, Mr. Speaker. It was probably Friday evening and I saw it on local television. The Attorney General was speaking to the press and he was not amused. He was not amused at all. I can still remember his words when the press were trying to shove cameras and microphones at him. He was saying, "Is that all you want to talk about?"

He was treating the press as though they were

part of the defensive line. He had the big shoulder. He was stooped over, and when they persisted, he just turned around and said, "I'm going back into the Legislature." He just turned around, and they filmed the minister's back. By the way, there is no bald spot showing at all.

**Mr. Conway:** In Ottawa they will call that arrogance, Roy.

**Mr. Speaker:** Now back to the bill, please.

**Mr. Roy:** Mr. Speaker, what I did not say is that the timing of the presentation of this legislation—

Interjections.

**Mr. Roy:** It is annoying to have a member up here talking about something he knows something about, is it not? The member for Bellwoods—

**Mr. McClellan:** You are paid by the hour, that is all.

**Mr. Roy:** He was enjoyable, but his comments had nothing to do with anything in the bill. He is an interesting fellow, so we tolerated him for a while.

What was I saying?

**The Deputy Speaker:** You were enjoying the interjections.

**Mr. Roy:** Yes, I am being rudely interrupted.

The timing of the presentation of the legislation is always important to the Attorney General. Usually in mid or late November the association of French-language lawyers, l'Association des juristes d'expression française de l'Ontario, has its annual meeting, and the Attorney General likes to go to the meeting. He is very popular in that assembly, and with good reason.

He likes to come forward after he has done something in the assembly that will advance the cause and will be a stimulus for them to greet him with even more enthusiasm. So it was important that the legislation be presented before this group met, and of course he was acclaimed on this occasion again with open arms. They felt this was an important first step, and I agree with them.

We have an agreement here that we will not speak too long. In spite of some of the comments from the member for Bellwoods, I will limit my comments on this. My colleague the member for Kitchener mentioned some of the concerns we have about the legislation—

**Mr. Martel:** And you are going to repeat them just to reinforce them.

**Mr. Roy:** Not at all. The Attorney General and I have one point of disagreement. Just in



case people are misled into thinking we get along well, on this issue we differ. I think he is hopelessly misguided and wrong in not dealing with what I would call the amalgamation and regionalization of the courts.

In Ontario there are various levels of courts, but the courts we are talking about basically here are the county court and the Supreme Court. The federal government appoints both of them; so that is not the problem. The problem is that the county courts, which are appointed for every area, every traditional district existing in Ontario, have limited monetary jurisdiction. It is now \$15,000, as I recall—

**Mr. Sheppard:** What are you talking about?

**Mr. Roy:** Did I wake somebody up back there? I apologize for that, Mr. Speaker. I thought I was talking softly enough not to wake up some of the Tory back-benchers.

The county courts have a monetary jurisdiction, and there is limitation of jurisdiction as to certain things they can do—injunctions and things like criminal limitations, in other words. I think they can hear matters involving a robbery, but they cannot hear a rape case or—I have been out of the courts for so long I forget. But basically what it means is that the Supreme Court, over and above this monetary jurisdiction, has the jurisdiction.

The Supreme Court judges are located here in Toronto and they travel out to the boondocks—Ottawa, Windsor, Kenora and various other places; they go along on a circuit. This has probably existed since before Confederation.

In 1983—I want to say this especially to alert all my colleagues in the assembly—most law associations feel there is no reason to have this distinction between county court and Supreme Court and that we should have one Supreme Court. There should be amalgamation of the county court and the Supreme Court and there should be a regionalization in about nine different districts, the major centres of Ontario. In that way if a case happens to come up in Windsor you do not necessarily have to wait for the Supreme Court judge to come down to hear your case or to hear a particular criminal case.

We feel, and the argument has gone on for some time, that it would make the workings of the court more understandable to the public and that it would be more practical. Most of us have no axe to grind with the Supreme Court judges, who are capable people, do a good job and render justice with equity and a sense of decorum; that is not the problem. The problem is that we should try to simplify the process, and

this legislation would have been an ideal opportunity to do that. The Attorney General has seen fit not to do it.

**Mr. Conway:** Did the judges threaten to strike? I would love to have heard.

**Mr. Roy:** I do not know. Obviously many of our colleagues in the Supreme Court have talked to the Attorney General. He has been impressed, obviously, by their arguments. I do not know whether the Attorney General is reluctant to proceed on this because he comes from Toronto. Of course, in Toronto it is important to understand that this is the fountain of justice and equity and sets the principles for the rest of the province.

**Mr. Kerrio:** The major leagues, eh?

**Mr. Roy:** That is correct. It emanates down to the lower classes in the outlying areas. I do not know why the Attorney General will not look at this matter in this particular bill. I hope that when the bill goes before committee, law associations from various areas will come in and make representation as to why this is a good idea.

I might point out to all my colleagues in the assembly that, by and large, all the law associations except those in Toronto and in the regional municipality of York agree there should be amalgamation, and I hope they will have an opportunity to make their point.

I might also point out that in one of the latest discussions that took place even a former treasurer, George Finlayson, stated that although he does not agree with amalgamation he agrees with the regionalization of the Supreme Court, which is perhaps another alternative for the Attorney General to look at.

That is one point I hope will be discussed. The other very important section is the fact that now there is a provision in the law, section 135, which states that the official languages of the courts in Ontario are English and French. It took a lot of guts to put that in the legislation, especially when the Premier (Mr. Davis), just four seats down, reacts quite strenuously any time you talk about anything official about bilingualism. But the Attorney General is not afraid of symbolism and he has put it in the legislation.

**Mr. Conway:** And he is not afraid of the Premier.

9:30 p.m.

**Mr. Roy:** Apparently not.

Interjections.

**Mr. Roy:** Mr. Speaker, I just might mention—and it is no strenuous criticism—that the Premier has always said he was afraid of symbolism because he felt that symbolism would raise expectations which the legislation would not fulfil.

The Attorney General goes the other way around. He says: “I am not afraid of symbolism.” He puts it in his bill and says both languages are official. But as one reads down, one finds there is one language a lot more official than the other. One finds that if one wants to put pleadings in French then one needs a translation, and so on.

I make this criticism because the Attorney General obviously is not afraid of symbolism.

M. le Président, vous êtes sans doute d'accord qu'on ne peut faire de commentaires sur cette loi sans dire quelques mots en français, surtout pour mes collègues qui écoutent tout ce que je dis, pour le Procureur général qui d'ailleurs prend des notes—Il se peut même que mon collègue de High Park-Swansea ait quelque chose à dire.

Je dois dire, M. le Président, que c'est là une étape importante pour les services en français en Ontario. Je ne veux pas faire trop de compliments au Procureur général—il en reçoit suffisamment chaque fois qu'il va voir les juristes d'expression française. Il reste qu'il a tenu les promesses qu'il avait faites en ce domaine. Et je dois dire qu'il est très important, pour la communauté franco-ontarienne, M. le Président, de voir que la loi est changée. Auparavant, la loi disait tout simplement que la langue officielle des tribunaux était l'anglais; il fallait alors faire des exceptions. Maintenant, le Procureur général dit que l'anglais et le français sont les deux langues officielles, et il veut établir l'usage du français—

Interventions.

**M. Roy:** Je pense que mon collègue de High Park-Swansea vient de montrer que mon discours—Je vais pourtant continuer—

Sur ce point-ci, tu as parfaitement raison de soutenir ton Procureur général. J'aimerais que tu aies autant d'influence sur le Premier Ministre. Avec cette loi, on pourrait envisager une prochaine étape: avoir des garanties constitutionnelles. Tu peux donc convaincre le Premier Ministre de prendre cette initiative et tous les députés, de ce côté-ci au moins, donneront leur appui.

Interventions.

**M. Roy:** Si je savais que tu serais ici pour m'écouter le lundi et le vendredi, je ferais des discours tous les jours—

Interjections.

**The Deputy Speaker:** Order. The opportunity for the member for High Park-Swansea (Mr. Shymko) to speak will come.

**Mr. Roy:** Mr. Speaker, if I thought the member for High Park-Swansea would come around and listen I would come and make speeches here on Mondays and Fridays. That would be no problem.

I wanted to say that when I was speaking French I got carried away with my eloquence. The member for High Park-Swansea was making such noises out of a sense of enthusiasm for what I was saying. Do not be too harsh on him.

M. le Président, je disais que c'est une étape importante pour l'administration de la justice en Ontario. Je voudrais toutefois m'adresser au Procureur général, qui écoute tout ce que je dis, car j'aimerais qu'il sache que cette loi—surtout l'article 135—présente tout de même certaines lacunes. Je crois que cela a déjà été souligné à différentes reprises.

Une des lacunes concerne l'article 136, paragraphe 3. Je lis: “Si une poursuite intentée devant une cour désignée aux termes de l'alinéa (1) a) est instruite devant un jury, une partie qui parle français a le droit d'exiger avec le consentement des parties . . .” En d'autres termes, pour avoir un procès avec jury, M. le Président, il sera nécessaire d'avoir le consentement de toutes les parties. Je pense que cela peut constituer un problème, car une personne ou un avocat qui veut éviter d'avoir un procès en français pourrait choisir d'avoir un jury et refuser ainsi de donner un consentement pour que le procès se déroule en français.

Ce serait alors certainement un problème. J'ai l'espoir que certaines personnes, parmi mes collègues les juristes d'expression française, vont venir faire des commentaires devant le comité sur cette loi. Mais cela n'empêche pas, M. le Président, je le souligne encore, que c'est une étape importante pour la communauté franco-ontarienne, et je crois que c'est de bonne augure pour l'avenir de l'administration de la justice en français, qui prend de plus en plus d'ampleur, non seulement pour les francophones, mais pour les anglophones qui parlent bien le français.

I was saying to the Attorney General there is some problem with this legislation. I trust the Attorney General has received comments on

this. For instance, subsection 136(3) talks about having a trial before a jury that speaks English and French, with the consent of all parties. What that would mean would be that an individual who wanted to frustrate a process in French could elect to have a trial with a jury and then refuse to give consent to proceed before a jury that speaks English and French.

We are going to have to find a way so a trial before a judge and a jury that understand and speak both languages is not frustrated if it requires the consent of all parties. We have avoided doing that before a judge. We are going to have to find a way to get around it with juries. I am suggesting that the initiative the Attorney General is taking could be frustrated if some party withheld consent unreasonably. That certainly could happen.

My colleague the member for Kitchener talked about section 145. There have been some editorials about this. Section 145 talks about public access to the courts. It will be interesting to hear why it is necessary to set out guidelines prohibiting public access to the courts.

For instance, the public can be excluded from a hearing if it is believed a hearing would disclose matters harmful to public security. I cannot think of many civil cases where that would happen. I do not recall any civil cases where that would have happened. Some of the criticism is given because it is felt the courts—the judges—have an inherent jurisdiction to deny access by the public and this legislation is not necessary. I look forward to some of the comments of the Attorney General on this.

In looking at the legislation, I note it is in both languages until we get to section 206; then all at once that stops. I do not know why. From then on both pages are in English only. Did the translators all at once decide—maybe there is some explanation for this.

**Mr. Conway:** He went to Brussels.

**Mr. Roy:** My colleague is being awfully cynical in talking about people going to Brussels. There are very few who go to Brussels. Only those who have given the ultimate sacrifice end up in Brussels. Those are the ones who dare run in Ottawa East for the Conservative Party.

Perhaps the Attorney General can tell me. Did the translators go on strike and stop at that point? Why is it that after section 206 the bill is no longer—

**Mr. Breithaupt:** Look at section 206.

Interjections.

9:40 p.m.

**Mr. Roy:** Let us look at section 206. Perhaps some other members did not notice it, but I read legislation such as this from cover to cover. The main reason I noticed this was that at the end of the bill subsection 35a(1) of the Solicitors Act as set out in subsection 214(6) of the bill sets out solicitors' charging orders. It is very important for the practising members of the profession to protect the fees of practising solicitors. I was stunned. I looked at the legislation to make sure it was still in the law. It says:

"Where a solicitor has been employed to prosecute or defend a proceeding in the Supreme Court or the District Court, the court may, on motion, declare the solicitor to be entitled to a charge on the property recovered and preserved through the instrumentality of the solicitor for solicitor's fees, costs, charges and disbursements in the proceeding."

In other words, they get first crack at the property. It is very important to protect solicitors' fees. I checked to see whether that was still in the legislation. I found it was there but in English only.

I trust the Attorney General will tell the translators that those of us who use the French language in our practice would like this charging order en français, s'il vous plaît, in both languages.

**Mr. Conway:** It is legal to bill in both official languages, isn't it?

**Mr. Roy:** As my colleague the member for Renfrew North said, I hope one can bill in both official languages.

I do not want to go into detail, but it so happens that during the course of my lengthy practice I had occasion to look to the remedy of this particular legislation on one occasion. I was very grateful to the members of the Legislature who drafted this quite some time ago.

I think it was very wise of my colleagues the critics to convince the Attorney General to send this to committee after Christmas so that members of the public can come forward and make representation and comment.

As my colleague the member for Kitchener says, many people should be thanked for the contribution they made to this very important and massive legislation.

We should not rush into passing something without proper scrutiny. The Attorney General knows that when we say we would like to send it to committee it is only to try to improve the legislation. It is always constructive criticism. If we can improve the legislation in any way we



certainly will. Even my colleagues to the left have some contribution to make on this.

Are there any other NDP lawyers? Is there such a thing?

**Mr. R. F. Johnston:** Our leader.

**Mr. Roy:** Yes, and the member for Riverdale (Mr. Renwick).

Having made these brief comments, I would like to say to the Attorney General that we look forward to the committee hearings after Christmas. Hopefully, we will see this legislation in place. That is only part of it. Wait until the member sees all the rules that will follow from this. He thinks this is something. Wait until he sees all the rules. The legal profession will be eternally grateful to the members of the assembly and the Attorney General.

**Mr. R. F. Johnston:** Does this mean you're going to be here two days a week after this?

**Mr. Roy:** No, no. Why are my colleagues so cynical about my contribution on this? Members know when there is important legislation before this House, when there are important issues affecting my constituents, I am here.

**The Acting Speaker (Mr. Cousens):** Do not allow yourself to be distracted by the interjections.

**Mr. Roy:** Thank you, Mr. Speaker. I look forward to the committee hearings this winter.

**Hon. Mr. McMurtry:** M. le Président, je suis d'accord avec le député d'Ottawa-Est sur le fait que cette loi est très importante pour l'administration de la justice en particulier, et pour la dualité de notre pays en général. Je reprendrai avec enthousiasme la discussion de cette loi en janvier ou en février, car il y a de nombreux points importants.

Mr. Speaker, I will be brief in response. I would just like to respond to several of the comments made by the member for Bellwoods (Mr. McClellan).

First, I want to say the reason for not expanding the unified family court is really not related to resources, although that is always a challenge for us, but the reluctance of the federal government to proceed with the agreement that we thought we had reached in the summer of 1980 with respect to the creation of unified family courts at the provincial court level. They simply had a change of heart and the problems in relation to section 96 remain.

I will not take the time of the House to deal with court delays. I certainly welcome the honourable member's interest in these matters. These are issues which we deal with every year in the estimates of the Ministry of the Attorney

General. We go into some detail on the various issues and problems related to court delays, which have been recorded from earliest history.

I have to say to the member for Bellwoods, with respect, that I have to take very serious exception to some of the comments he made in relation to the judiciary of this province. In my view, we are served by a very distinguished judiciary made up of men and women who have demonstrated commitment and dedication to their day-to-day responsibilities. I think that if the honourable member had a little more awareness of the process that is followed with respect to the appointments to the judiciary, he would want to withdraw his comments suggesting that some form of partisan political service was a prerequisite for judicial appointment, because that simply is not the case.

I am certainly not here as an apologist for the federal government, but I have to say that by and large and almost without exception in my view their appointments to the courts of the province have been of a very high calibre. I know personally of many appointments made by the federal government to the Supreme Court and county courts. If they had any political affiliation at all it was with parties other than that of the federal Liberal Party. I know they do consult very carefully with the Canadian Bar Association in particular.

**9:50 p.m.**

With respect to appointments to the provincial court bench, the process is somewhat more formalized. I have been responsible for recommending between 130 and 140, perhaps closer to 150, appointments to the executive council of this province during my tenure as Attorney General. Every single one of those appointments has been recommended by the Judicial Council of Ontario that is made up of the Chief Justice of Ontario, the Chief Justice of the High Court, the chief judges of the provincial courts, the treasurer of the Law Society of Upper Canada and two lay appointees. I think it is very important to be aware of this process in appreciating that the appointments to the judiciary in this province are made on other than partisan political considerations.

With respect to the issue that is of understandable concern to all members of the House I am sure, with regard to this very unhappy case in Ottawa of the complaint in the rape case, I expect I will be making a fairly lengthy statement on Thursday.

But I would like to say that I think the member for Bellwoods misunderstands many of

the issues related to this very difficult issue when he makes statements that are capable of being interpreted as an attack on the integrity of Mr. Justice O'Brien. Any such attack is completely unwarranted, and when I have the opportunity to deal with all of the circumstances of this case on Thursday I am sure he will appreciate that Mr. Justice O'Brien was in a very difficult position and it was a very difficult judgement. Certainly I am satisfied that uppermost in his mind was the integrity of the administration of justice in this province; of that I have no doubt. But we will be discussing this further.

I agree with the members opposite, my Justice critics, that this bill should be discussed in the standing committee on administration of justice, where representations can be made and where some of the issues that have been raised can be canvassed very thoroughly. I would simply like to say that although members opposite may not agree with all the details of the legislation, I thank them for their support in voting for the legislation in principle.

Motion agreed to.

Bill ordered for standing committee on administration of justice.

#### WAGES AMENDMENT ACT

Hon. Mr. McMurtry moved second reading of Bill 124, An Act to amend the Wages Act.

**Hon. Mr. McMurtry:** Mr. Speaker, I made a statement on the introduction of this legislation. This legislation really reflects recommendations of the Ontario Law Reform Commission with respect to the exemptions from garnishment in order to balance carefully the conflicting interests of both the debtor and the creditor.

**Mr. Breithaupt:** Mr. Speaker, it was of interest when this bill came forward that the percentage of wages that are exempt was finally moved from the traditional 70 per cent available for garnishment to this new figure of 80 per cent.

As the Attorney General has suggested, this results from an attempt to balance the interests and responsibilities of both debtors, and creditors who have some rights as a result of orders or through the procedures for garnishment, which is a legal procedure with which a number of us are familiar through our own legal practices over the years.

As well, the change in the exemption available with respect to support or maintenance is something we can accept. The 50 per cent figure seems a reasonable one as we look at the

principles of the Family Law Reform Act; and of course in both of these opportunities for charges against the debtor there is the power of the court to increase either of those claim amounts if that is seen to be fitting and appropriate.

So we are prepared to accept the amendments proposed in the bill and will not require that it go out to committee at all.

**Mr. McClellan:** Mr. Speaker, we also support the bill on second reading. My learned colleague the member for Kitchener has summed it up so well that I feel no need to further elucidate the provisions of the bill, but simply to indicate we support it without the need to have it go to committee.

**Hon. Mr. McMurtry:** I have nothing further to add. Thank you, Mr. Speaker.

Motion agreed to.

Bill ordered for third reading.

#### ARCHITECTS ACT

Hon. Mr. McMurtry moved second reading of Bill 122, An Act to revise the Architects Act.

**Hon. Mr. McMurtry:** Mr. Speaker, I made a fairly lengthy statement on introduction of this legislation and its companion Bill 123, the Professional Engineers Act. It is agreed with my critics opposite that this legislation also go out to committee.

There will be ample opportunity to discuss the details of this legislation, which really is a product of the very important Professional Organizations Committee report, a committee chaired by former Deputy Attorney General Dr. Allan Leal. It reflects an important and indeed historic agreement reached by the architects and the engineers of Ontario in respect of the scope of practice.

**Mr. Breithaupt:** Mr. Speaker, I am pleased to support the approach taken by the Attorney General and acknowledge that our caucus will support in principle both Bill 122, the act concerning the architects, and Bill 123, the act concerning the professional engineers.

We have before us two major pieces of legislation in these bills. They deal with two of the major and traditional professions within Ontario.

First reading of this legislation occurred on November 17, just a week ago, and it certainly seemed at that time most unlikely that the bills would proceed. Indeed, on the government's list of "must have", "likely" or "desirable" before

the adjournment on December 16 to which we are all aiming, the bills did not even appear.

It was a reworking of the traditional legislation that has guided these two self-governing groups and it comes as a result of the Professional Organizations Committee of 1980. At that time three other groups were also included: the Law Society Act and the Notaries Act dealing with the legal profession; and the Public Accountancy Act, which was of particular interest to the chartered accountants, the certified general accountants and certified public accountants, all of whom have organizations and particular opinions as to what should be allowed to be done by any one member to the public and to each other.

The first situation with respect to the law society and notaries has not required particular legislation that would in any way resemble the review for the architects and the professional engineers that is before us.

There was interest throughout the House on having this legislation brought into place, yet it did not appear that was going to be the case unless the bills could go out to committee for some further opportunity for the groups involved to come before us.

#### 10 p.m.

My suggestion to the Attorney General that this be the approach was based on the view I have that the Legislature should not simply be a rubber stamp for the proposals agreed upon and coopered together by the various component parts of these particular professions.

Where a profession is involved, I think we have the obligation to have our input and to provide the opportunity for various of the component parts that may be disaffected about one clause or another to come before us and give their views, particularly where this kind of professional legislation is very rarely reviewed in full.

Of course, we also need the opportunity for the public to come forward if they have particular concerns about these particular professions. So there is a need for discussion of these bills and their background in the standing committee. Also, there is certainly a need for the professional organizations and their component parts to come before us if they choose to, so that we have the benefit of their opinions as to how their profession should be organized under the responsible self-governing legislation which we propose to pass on their behalf.

As a result, we may well have the prospect of a week of hearings, perhaps in January next or

certainly during the interval, which will allow this procedure to come to pass. The bills can then be dealt with completely in committee and be brought forward in the early weeks of the spring session to be completed and put into place.

Tonight, without even the appearance of these bills on the business paper, we are able to debate them and to deal with them, I hope in a positive way, and in a way which is going to bring better legislation in place than would have been the case if we had attempted to deal with these bills in the committee of the whole.

A number of the organizations were interested in quick passage of the bills; other organizations looked forward to the opportunity for their own input. However, when we are to deal with professional groups where further changes to the respective acts will not likely come before the assembly for another dozen years or so, I think we have the obligation to hear and consider the views of those who are most affected.

Therefore, I am very pleased that the Attorney General has accepted the suggestion which was made so that we can get on with the passage of these bills in principle and with the hearings, which I hope will be a useful experience. This kind of approach gives us an opportunity for progress, and I believe the result will be, as I have said, better legislation.

Certainly, legislation which has a long-term effect on two major professions within our province deserves more than a passing glance and a cursory approval within the assembly. We will support the bills in principle on second reading and we look forward to the detailed discussion at the committee stage which will occur probably during January next.

**Mr. McClellan:** We, too, are not opposing this pair of bills before us tonight.

**Mr. Conway:** An orgy of unanimity.

**Mr. McClellan:** Yes. We are having a veritable symposium here tonight with respect to the bills of the Attorney General. The reason is—

**Mr. Conway:** The member for Riverdale (Mr. Renwick) is away.

**Mr. McClellan:** Not just because he is away, but also because these are most likely the last bills which will be introduced by our beloved Attorney General before he is catapulted into another arena.

**An hon. member:** We are willing to shoot the catapult.

**Mr. McClellan:** I happen to have the honour of living in the great federal riding of St. Paul's.



Of course, we in our community are absolutely agog at the rumours of—

**Mr. Conway:** Barbara McDougall.

**Mr. McClellan:** —of Barbara McDougall and the great contest which is obviously shaping up for the federal Progressive Conservative nomination in that riding.

**The Acting Speaker:** The member is not speaking to the bill.

**Mr. McClellan:** It is true. What can I say? These rumours abound and are confirmed from the horse's own mouth.

**Mr. Conway:** She will be the Margaret Campbell of 1983.

**The Acting Speaker:** Order. On Bill 122, An Act to revise the Architects Act.

**Mr. McClellan:** I would tell the Attorney General that if he wins the Tory nomination in St. Paul's his steady paycheck will be assured.

**Hon. Mr. McMurtry:** One gets used to a steady paycheque.

**Mr. Conway:** He can play tennis in Ottawa with the member for Ottawa East.

**Mr. Roy:** I am looking for competition.

**Mr. McClellan:** This is no reflection on the incumbent, whoever he may be. I did meet my MP once, but I have forgotten him.

**The Acting Speaker:** Order. The back and forth conversations must end. The member for Bellwoods has the floor.

**Mr. McClellan:** I am being shouted down by unruly Liberals. The important thing about the two bills that are before us tonight at this point is—

**Mr. Breithaupt:** We don't have to deal with them.

**Mr. McClellan:** —that they will be referred to committee. There has obviously been less than a unanimous greeting to these two bills, one dealing with the architects and one dealing with the professional engineers.

Obviously, there are a number of professionals and paraprofessionals with concerns about the legislation who have been communicating to members of the assembly on all sides of the House. We are pleased that the Attorney General has agreed to provide an opportunity for these concerns to be heard.

I wonder if he will be around long enough actually to preside over the hearing. We will only have to wait and see. I do not know what the date of the nomination is.

**Mr. R. F. Johnston:** When is the nomination?

**Mr. McClellan:** When is the nomination? I really do have to comment on one thing, though. One is struck by the scrupulous attention to protocol which has been followed in the production of these two pieces of legislation, one dealing with the architects and the other dealing with the engineers.

First, we had a very distinguished committee, chaired by Allan Leal, make a report—

**Mr. R. F. Johnston:** Leal.

**Mr. McClellan:** That is what I said, Leal.

This was the report of the Professional Organizations Committee. On the basis of this report, legislation was prepared in draft form; scrupulous consultation took place with both the self-governing professions and then legislation was brought forward. We now have the debate. We will have further public hearings in committee and then, after all of this very long process of study, consultation, legislation, further consultation, and further legislation process, we will have legislation.

How different this is to the treatment the Minister of Education and Colleges and Universities (Miss Stephenson) had in store for the teachers. How different it is from the way the government was prepared to treat the teaching profession. That minister was prepared to bring in legislation with respect to the creation of some kind of self-governing body without the slightest regard for the wishes of the teaching profession, without any meaningful consultation, without preliminary studies. She was simply prepared in her usual brutal way to bring it in a singularly confrontational manner.

Fortunately, the Premier (Mr. Davis) has pulled the rug out from under the feet of the Minister of Education and that particular process appears to have been torpedoed, as far as we can understand it. How much more sensible it is to proceed in the way we are proceeding with these two statutes, with a calm and reflective study, followed by draft legislation, consultation, legislation in the House, further hearings and then further study of the legislation in committee.

We hope anything that is done with respect to the teaching profession will follow exactly the same set of processes and procedures. We trust not just the Premier, but his cabinet colleagues as well will do their best to keep the Minister of Education in check, confined, caged, whatever the proper verb is.

10:10 p.m.

Again, we are pleased at the way this legislation is proceeding. Since this is the last of the series of bills that are before us tonight and for this session, I guess, we do want to say goodbye to the Attorney General and wish him well as he embarks on his new venture, which may be in the great riding of St. Paul's, where I am sure he will do very well against the incumbent, who has now been designated the Liberal czar for all Metropolitan Toronto. But I want to assure all members that he is going to be beaten.

There are other ridings he could try, such as Eglinton-Lawrence. Of course, he would have to depose the incumbent, as I understand it. If he wants to move downtown to a real challenge in the great riding of Trinity, we will welcome him with open arms and offer him a real contest.

**The Deputy Speaker:** This is all very interesting, but would the member please return to the principle of the bill.

**Mr. Nixon:** Is that it? Is that the end of it?

**Mr. McClellan:** Time is running short.

**Mr. Roy:** Mr. Speaker, I must make a confession. Unfortunately, the bills not being on the order paper, I did not read Bill 122 and Bill 123. It is my usual practice to read all legislation that comes before this assembly. So it is with a sense of apology that I must stand here and make the admission that I have not read them from cover to cover.

**Hon. Mr. McMurtry:** It has never prevented you from making a submission before.

**Mr. Nixon:** This is a first.

**Mr. Roy:** As my colleague the member for Kitchener said, here we are discussing legislation that is not even on the order paper. It is just like magic. It is just like the Minister of Industry and Trade (Mr. F. S. Miller) releasing his delegates and his leadership organization when there is no leadership contest on. It is the very same thing. It is just like the Attorney General discussing his federal ambitions when there is no federal election on.

**The Deputy Speaker:** Like the last speaker, the member for Ottawa East is again off track. Back to the principle of Bill 122.

**Mr. Roy:** Thank you, Mr. Speaker. I think it was awfully wise of the Attorney General to decide to send this legislation into committee and give the members of both these professions an opportunity to come in and tell us why the Attorney General has so limited their jurisdiction and their scope of practice within the framework of this legislation.

Some of us may not have the opportunity to sit on the standing committee on administration of justice, because it is decided on the basis of seniority and any rapprochement one may have with one's own House leader. In the past my House leader has not been overly generous in rewarding me with these plums.

**Mr. R. F. Johnston:** It is disgusting to hear this shameless plea here.

**Mr. Conway:** Back to legal aid, Albert.

**Mr. Roy:** That is right. It used to be this or legal aid, and legal aid was more profitable. I rather think now it would be, "Please get me on the select committee."

**The Deputy Speaker:** Do you want to get back on the principle of Bill 122?

**Mr. Roy:** Mr. Speaker, you will understand I may not have the opportunity to hear the good people from the various professions who will come forward and make comments about this legislation. If I should be chosen by the House leader to sit on one of the select committees during the cold months of January and February, if I am prevailed upon by my House leader to serve, I may accept and at that time I promise I will read all this legislation from cover to cover.

At present it is going to be difficult for me to make a positive contribution to the debate if I am restricted within the four corners of the legislation. Having said that and having accepted your stern rebuke, Mr. Speaker, I will just sit down.

**Mr. R. F. Johnston:** Mr. Speaker, because of the general tone of this debate and because I have a brother-in-law who is an architect and my father is an engineer, I felt I should probably speak on this bill, but I will save my in-depth analysis for the committee, to which, no doubt, I will be appointed because of this vast knowledge.

**Hon. Mr. McMurtry:** I have nothing further to add, Mr. Speaker.

Motion agreed to.

Bill ordered for standing committee on administration of justice.

## PROFESSIONAL ENGINEERS ACT

Hon. Mr. McMurtry moved second reading of Bill 123, An Act to revise the Professional Engineers Act.

**Mr. Breithaupt:** Mr. Speaker, I will not review the comments made on the earlier bill; they all follow in the same pattern. We again will support the bill in principle and look forward to

the opportunity for the variety of organizations involved to make their presentations before the standing committee on administration of justice in due course.

**Mr. McClellan:** Mr. Speaker, if the Attorney General does not want to run in Trinity or St. Paul's, why does he not run in Spadina?

**Mr. Roy:** Mr. Speaker, may the comments I made on the previous legislation be put in by Hansard? I do not know if there is a way of doing it.

**Mr. R. F. Johnston:** Sure. Just say "ditto."

**Mr. Roy:** "Ditto"? I think there was a procedure in the southern assemblies where you put in a speech by saying "be it as read" or something. I would like the record to show—

**Mr. R. F. Johnston:** You can only do that on Mondays and Fridays.

**Mr. Roy:** So, Mr. Speaker, I just want to say that my comments on the previous legislation apply to Bill 123 as well.

**The Deputy Speaker:** I am sure they will be duly noted.

**Mr. R. F. Johnston:** Mr. Speaker, I feel it would be appropriate to indicate that the New Democratic Party caucus will be supporting this bill.

**Hon. Mr. McMurtry:** I do not want to risk provoking them, Mr. Speaker.

Motion agreed to.

Bill ordered for standing committee on administration of justice.

10:20 p.m.

House in committee of the whole.

### FAMILY LAW REFORM AMENDMENT ACT

Consideration of Bill 93, An Act to amend the Family Law Reform Act.

On section 1:

**Hon. Mr. McMurtry:** Mr. Chairman, I have a small housekeeping amendment that I would like to move to subsection 30(1).

**Mr. Chairman:** Hon. Mr. McMurtry moves that the proposed subsection 30(1), as contained in section 1 of the bill, be amended by inserting, after "deduct" in the fourth line, "or cause to be deducted."

**Hon. Mr. McMurtry:** Mr. Chairman, the reason for this proposed amendment—which was not absolutely necessary but I think it is desirable—is that the payment may be coming from some third source. In order that there be

no confusion, if the deduction cannot be made by the employer, for example, then the employer has the responsibility to cause the deduction to be made by whoever is administering the plan. We think this is a necessary precaution.

Motion agreed to.

**Ms. Bryden:** Mr. Chairman, I had hoped when the Attorney General got up he would be announcing another select committee on the Family Law Reform Act, but he does not appear to have responded to that request.

**Mr. Chairman:** Ms. Bryden moves that section 1 of Bill 93 be amended by renumbering subsection 30(2) of the Family Law Reform Act as subsection 30(3) and by inserting the following:

"30(2) Where the court considers it appropriate in a proceeding under section 28, the court may make an attachment order directing the administrator of a pension plan of which the debtor is a member to pay or transfer out of the interest of the debtor in the pension fund at the time the order is served on the administrator such amount as is named in the order and to pay the amount so paid or transferred into court."

**Ms. Bryden:** Mr. Chairman, as I mentioned on second reading debate, we feel the present wording does not make it clear that the debtor's interest in a pension plan can be paid out to a creditor, in particular to a person to whom a maintenance order is owed. In cases where there is default on maintenance orders, we feel all the present wording will allow is the paying out of a part of a payment going to the creditor. Until the payment is ready to start, nothing can be paid out to the creditor.

This amendment would make it clear that some of the interest of the debtor in the pension fund at the time the maintenance order is made can be paid out through the device of paying it into the court so that the maintenance order can then be fulfilled.

As I pointed out in my remarks on second reading, there are something like 40,000 spouses and dependants to whom maintenance orders are owed in Ontario. They amount to about \$42 million. We feel that every effort should be made to enforce those orders, not to leave those dependants and spouses in a state of great hardship. It may be that the person who has the pension has a very large interest in it, but unless the persons to whom the maintenance order is owing can get the money out of it they may be in great poverty while the other person has a very large asset there.

The minister earlier put up the argument that



you must not tamper with capital in the pension fund. Of course, this is a typical Tory argument that the protection of capital comes before the protection of people. He is apparently not concerned about the hardship of the people to whom this money is owed and he is prepared to let it continue to accumulate in a pension fund even though the person who will benefit from the pension fund has a debt to a person who is in need.

I would also think that if my amendment passes, the amount that is paid out of the capital of the fund would be deducted from the entitlement of the pensioner in future, and if there is any loss of interest because of its being paid out earlier that would also be charged to his entitlement so that in effect the capital is not eroded for other people.

Therefore, it seems to me this is an amendment we should all be in favour of in order to broaden the power of attaching assets in pension funds and protecting the many people who are not getting their proper payments from maintenance orders.

**Hon. Mr. McMurtry:** Mr. Chairman, I am afraid the member for Beaches-Woodbine (Ms. Bryden) has misunderstood what I said earlier. Obviously, we all share her concern with respect to spouses who are not able to recover maintenance payments and we all want to continue to strengthen our laws to see that this problem is diminished and, in the best of all possible worlds, eliminated.

But the Ontario Law Reform Commission has recommended against the seizure of capital; our own Pension Benefits Act prohibits it. We do

care about people and not simply about capital, but you cannot look at capital in the abstract. We are looking at the many other participants in the pension plan whose security would be seriously disrupted; indeed, the whole scheme of the plan would be seriously disrupted.

With respect, if we were to discuss the member's amendment with some people, for example in the labour union movement, who appreciate the importance of maintaining the integrity and stability of these pension plans, they would quietly advise us that the amendment should not be pressed and for that reason we have to indicate that we cannot accept it.

**Ms. Bryden:** Mr. Chairman, how does the Attorney General answer the argument that it is only the debtor whose entitlement would be reduced and not really the total assets of the pension plan, that the entitlement of the other people in the pension plan would be protected?

**Mr. Chairman:** Is it the pleasure of the House that Ms. Bryden's amendment to section 1 carry?

All those in favour will please say "aye."

All those opposed will please say "nay."

In my opinion the nays have it.

Motion negatived.

Section 1, as amended, agreed to.

Sections 2 and 3, inclusive, agreed to.

Bill, as amended, ordered to be reported.

On motion by Hon. Mr. Wells, the committee of the whole House reported one bill with a certain amendment.

The House adjourned at 10:31 p.m.

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# **Hansard**

## **Official Report of Debates**

### Legislative Assembly of Ontario

**Third Session, 32nd Parliament**  
Thursday, December 1, 1983  
Afternoon Sitting

Speaker: Honourable John M. Turner  
Clerk: Roderick Lewis, QC



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# LEGISLATIVE ASSEMBLY OF ONTARIO

Thursday, December 1, 1983

The House met at 2 p.m.

Prayers.

## DEATH OF DR. SERAPHIN MARION

**Mr. Boudria:** Mr. Speaker, I rise to bring to the attention of the House the passing of Séraphin Marion last Tuesday evening.

This prominent French-Canadian historian, writer and university professor was a staunch defender of francophone rights. From the early years after 1910 he fought regulation 17 until the day of his leaving this world on November 29. Dr. Marion was one of the most prominent Franco-Ontarians, if not the most prominent. He was a recipient of la médaille de vermeille of the French Academy and the Pope's silver medal, and he was an officer of the Order of Canada.

I am sure that all members mourn the passing of Dr. Séraphin Marion.

M. le Président, je voudrais aujourd'hui vous faire part d'une triste nouvelle, le décès de Séraphin Marion. Pour tous les francophones de l'Ontario, c'est en effet un jour très triste, lorsque des personnes qui ont défendu la cause des Franco-Ontariens pendant de longues années quittent ce monde. Depuis le début des années 1900, en effet depuis l'adoption du règlement 17 tristement fameux, jusqu'au 29 novembre dernier, le docteur Séraphin Marion s'est battu pour revendiquer les droits des francophones.

Il était récipiendaire de la médaille de vermeil de l'Académie française, de la médaille d'argent du Pape; il était aussi officier de l'Ordre du Canada. Je suis sûr que tous les députés, tous les francophones de l'Ontario, sont aujourd'hui très tristes d'apprendre le décès du docteur Séraphin Marion.

**M. Cassidy:** M. le Président, j'aimerais m'associer à ce que vient de dire le député de Prescott-Russell touchant le docteur Séraphin Marion, distingué Franco-Ontarien. C'est un homme qui au moment de son décès était âgé de 87 ans, un homme qui depuis ses plus jeunes années a milité en faveur des droits des Franco-Ontariens.

I took the occasion to have a look at a speech that was delivered by Dr. Marion in 1964, when

he was a director of the French Canadian Educational Association of Ontario. A few words from that speech speak out very clearly to our problems even today in terms of ensuring true equality. This was perhaps unique at that time, or if not unique it showed his leadership. He said, "First of all, and let there be no mistake about it, I am not a French Canadian from Quebec, but a French Canadian from Ontario." He was proud to be a Franco-Ontarian.

As a distinguished historian, he pointed out that the efforts to get rights and privileges for Franco-Ontarians in matters of education were not something of recent date but went back a very long way. In fact, his historical research had brought to light a text dating from the year 1852, that is, 15 years before Confederation, when Bishop de Charbonnel wrote to Dr. Egerton Ryerson, the founder of the present school system of Ontario, saying, "We must have and we will have the full management of our schools, as well as Protestants in Lower Canada." In other words, the French Canadians in Ontario should be treated as English Canadians have been treated traditionally in Quebec.

"Bishop de Charbonnel," says Dr. Marion, "claimed he wanted 'no exclusive' privileges, but only 'that the law which governs the separate schools in favour of the Protestants of Lower Canada may be put in force in favour of the Catholics of Upper Canada.'"

En ces tristes circonstances, je voudrais simplement dire que le Nouveau Parti Démocratique rend hommage à ce distingué représentant des Franco-Ontariens, et qu'il fera tout ce qu'il pourra pour assurer que le rêve de cet homme d'une véritable égalité pour les Franco-Ontariens dans tous les domaines, surtout celui de l'éducation, devienne une réalité dans la province de l'Ontario.

**Hon. Mr. Wells:** Mr. Speaker, on behalf of the government, I would like to associate myself with the remarks that have been made by my two colleagues in the House and express our sympathies on the passing of this great Canadian and noted historian, Dr. Marion.

## MINISTER'S RESPONSIBILITY

**Hon. G. W. Taylor:** Mr. Speaker, I have a

point of clarification or point of order, or whatever classification you want to put it in. In the *Globe and Mail* on Wednesday, November 30, 1983, the columnist Orland French indicated, and I paraphrase, that after the questioning of last Tuesday the Provincial Secretary for Justice (Mr. Walker) was fielding questions on the matter, then: "Although other members of the Legislature found the issue absorbing, the Solicitor General, the man in charge of Ontario's police forces, the province's top cop, wasn't paying attention. He missed the question."

If I might correct the matter, I did not have the question put to me but I was paying attention, as I always do in this Legislature. Maybe if the columnist paid attention and knew the rules of the House he would know that if a question is not referred to a minister or if a member asks the question of the wrong minister, the minister does not have to answer. That is just a point of information.

## STATEMENTS BY THE MINISTRY

### PAUZÉ LANDFILL SITE STUDY

**Hon. Mr. Brandt:** Mr. Speaker, I would like to announce completion of the hydrogeological study of the Eric Pauzé Construction Ltd. waste disposal site in Tiny township and inform the members of the actions my ministry will take based on the study. The study was ordered by my ministry with the concurrence of the municipality and conducted by Gartner Lee Associates Ltd., a firm of consulting engineers, geologists and hydrogeologists, with a worldwide reputation.

The report concludes that Georgian Bay is not endangered by the plume from the Pauzé site. The contaminant levels found in the plume from the landfill site are being reduced by normal ground action and the consultant predicts this contamination should be virtually indistinguishable within nine years, long before the ground water reaches the bay. The consultant estimates that ground water travelling 230 feet per year will take about 50 years to reach the bay, which is 3.6 kilometres or 2.2 miles from the landfill site.

**2:10 p.m.**

Another conclusion is that with the exception of one well, the Therrien well, all other wells in the community of Perkinsfield will be safe from the landfill plume.

The Gartner Lee study found that elevated levels of the chemical compound trichloroethylene, or TCE, found in three Tiny township wells do not come from the Eric Pauzé

Construction Ltd. waste disposal site. The source of this trichloroethylene is undetermined, but the study notes that the sources could be spills, road oiling, or domestic or commercial users.

In the study, Gartner Lee determined that a plume of chlorides has travelled about 700 metres from the landfill site. A weak plume of trichloroethylene from the site was also detected but it had travelled only about 300 metres.

My ministry will act on the conclusions and recommendations contained in this independent hydrogeologic study on the landfill site. Our action will deal with both the leachate produced by the landfill site and the unrelated and unknown sources of trichloroethylene contamination in the three area drinking wells, the wells on the Therrien, Posey and Kramer properties.

For the immediate future and to ensure that the three families with contaminated wells have a clean and safe water supply, my ministry will continue to provide hauled water.

The consultant has reported that it would be extremely difficult and probably impossible to remove the leachate plume from the ground water. My ministry will have the landfill site owner place a water-resistant cap to limit rain water from carrying contaminants into the ground water on the site itself.

The site owner will be directed to immediately cap that part of the site which has been graded to its final contours. About 70 per cent of the site is now ready for capping. The site will be closed at the end of October 1984, as previously ordered by my ministry.

My ministry's current monitoring program, which began in 1978, to ensure the protection of area ground water will be altered to reflect the changes recommended by Gartner Lee. This monitoring program will include the three contaminated water wells, 25 other monitoring and drinking water wells in the immediate area and a local community school. My ministry also recommends and will assist in the formation of committees representing area residents to discuss and review the program on an ongoing basis.

My ministry will continue its detailed investigations into the possible source of trichloroethylene found in the three area wells. Further action will be based on the results of this investigation.

This morning my colleague the member for Simcoe Centre (Mr. G. W. Taylor) and I travelled to Perkinsfield. There we met with the Tiny township council and, for the second time,



area residents and the North Simcoe Sanitary Landfill Committee. We discussed the study and our action plan which is based on the report's conclusions and recommendations.

I believe this type of two-way communication is essential in this matter. The area residents and cottagers will be receiving a ministry special report on the consultant's study which was mailed to them yesterday.

My ministry's site support team and a representative of Gartner Lee Associates Ltd. will be holding a two-day open house in Balm Beach beginning tomorrow and running most of Saturday to explain the study and my ministry's action plan to area residents. My ministry's site support team is a group of specialists in environmental matters related to landfill sites.

My ministry will continue to co-operate with the North Simcoe Sanitary Landfill Site Committee as it carries out its responsibilities to find a new waste disposal facility.

Last month I proposed to the committee that it employ a new technique, environmental mediation, in resolving conflicts regarding landfill sites. The committee has expressed strong interest in the proposal. I also made a commitment that my ministry would help both technically and financially in the establishment of a waste recycling facility for that area, should my ministry's review prove the project feasible.

I want to give the House every assurance that my ministry will move quickly in implementing the results of the Gartner Lee study.

#### CONTEMPT OF COURT ISSUE

**Hon. Mr. McMurtry:** Mr. Speaker, I have a statement to make on the circumstances of a contempt of court sentence and an allegation of rape before the Supreme Court of Ontario earlier this week in Ottawa.

I am not sure if copies of the statement have yet been delivered to the press gallery. There was a little bit of a problem with the printing. The opposition leaders and the Justice critics have copies of the statement and I am told that the press gallery and other members will have copies within a very few moments.

I know that members on both sides of the Legislature are very concerned and troubled by this case, as am I. Accordingly, I have a statement that is more lengthy and detailed than is usual. There are some fundamental principles of justice involved in this very complex matter. Therefore, I hope we can proceed with a minimum of partisanship.

Few issues in my eight years as Attorney

General have become so clouded and, I believe, misunderstood as this one. Therefore, I want to take a moment to set out the key events leading up to this week's court hearing in chronological order. Then I will set out the circumstances under four broad subject headings.

This matter began when the complainant reported to the Ottawa police department on January 21, 1982, that she had been raped. Later that day, as a result of her complaint, one accused was arrested and charged with rape. A warrant was taken out for the arrest of a second accused.

The charge against the first accused was proceeded with in the provincial court, criminal division, and a preliminary inquiry held on November 23 and December 5, 1982. The complainant testified at this inquiry and the accused was committed for trial.

On December 22, 1982, the second accused surrendered to the police and subsequently a preliminary hearing date was set for May 5, 1983. On that date the complainant refused to give evidence, saying she was upset and frightened. She did not claim to have received any threats.

A motion brought by counsel for the complainant to quash her subpoena to appear as a witness was dismissed by Mr. Justice Linden in the Supreme Court of Ontario on May 13, 1983. On May 16, 1983, the preliminary inquiry resumed. However, the complainant still refused to testify and at the request of the crown the preliminary was adjourned to October 20, 1983.

It was the hope of the crown attorney that the complainant would testify in the Supreme Court trial of the first accused, which at that point was set for June 6, 1983, and, having so testified, would change her mind—

**Mr. Speaker:** Order, please. I am sorry for interrupting, but I would like the honourable members not to carry on their private conversations in the chamber. It makes it very difficult to hear what the Attorney General is saying.

**Hon. Mr. McMurtry:** Mr. Speaker, it was the hope of the crown that the complainant would testify in the Supreme Court trial of the first accused, which at that point was set for June 6, 1983, and, having so testified, would change her mind with regard to the preliminary hearing of the charge against the second accused.

The first accused had been committed for trial on December 5, 1982. He appeared in assignment court in January 1983 and a date was set for trial of June 6, 1983. The case was set that far in advance to allow the preliminary hearing

of the charge against the second accused to be completed in the hope that both accused could be tried together. On June 6, 1983, the original lawyer for the first accused himself faced a criminal charge and an adjournment was granted at the request of the new counsel in order that he might properly prepare his defence.

The matter was accordingly adjourned to November 21, 1983, for trial over the strong objection of crown counsel, who urged a much earlier trial date. The preliminary inquiry involving the second accused was resumed on October 20, 1983. On that date John Cassells, QC, the crown attorney for Ottawa-Carleton, met with the complainant, her lawyer and a Rape Crisis Centre worker in an attempt to persuade the complainant to testify. Mr. Cassells offered the complainant relocation and police protection.

**2:20 p.m.**

I will deal in a moment in detail with the discussions held regarding the safety of the complainant. For the purposes of this chronology, I will note that the complainant stated she had received no threats, that it was apparent that reasonable offers of protection offered her would not be accepted, and that she simply would not testify. In the face of her refusal to testify, the crown was left with no evidence to offer the court and so the second accused was discharged.

On November 21, 1983, the first accused came on for trial in the Supreme Court before Mr. Justice O'Brien. The complainant again refused to testify and was cited for contempt. November 28, 1983, was set as the date for her to show cause why she should not be held in contempt. The trial continued. The evidence given by the complainant at the preliminary was read into the record and on November 28 the accused was acquitted.

That concludes the chronology, and I will now detail the facts under five headings as follows: the safety of the complainant; the necessity of the crown to proceed with a prosecution in these circumstances; the number of court appearances required of the complainant; the role of the Attorney General at this point in the matter; and the actions of the assistant crown attorney in the case.

First, the safety of the complainant: The question of the safety of the complainant is obviously of very deep concern. I believe that if I set out in detail the situation, quoting both from internal reports and public court records, members will have a better understanding of it.

It must be emphasized that there is absolutely

no evidence of direct threats against the complainant. She has never claimed to have received any threats, although she indicated obvious upset about the possibility of harm coming to her, and nothing I say here today is intended to minimize her feelings in that respect.

Let me quote from Mr. Justice Linden's decision on May 13 when he heard and rejected arguments to quash the subpoena to the complainant: "There was no direct evidence of any actual threats by any individual, although certainly it does appear that she feels threatened." Mr. Justice Linden noted that when the complainant testified at the preliminary inquiry, "she did so without any apparent difficulty."

On October 20, 1983, the complainant, her lawyer and a Rape Crisis Centre worker met with Mr. Cassells, the crown attorney. The complainant indicated that she had received no threats, but that her telephone was monitored at her request by the phone company after she had received a number of calls in which she would pick up the phone and no one was there. This occurred following the laying of the charges. One call was a request for her to model in the nude. As far as Mr. Cassells could determine, none of the calls represented any direct or indirect threat. The police, in fact, had conducted an investigation and supervised the monitoring of her telephone.

When asked what kind of protection she thought appropriate, the complainant said she would need police guards for herself, her mother and her sister on a 24-hour basis for a minimum of 20 years. She said this would involve a personal police car standing guard outside her front door and going with her, her mother and her sister whenever they went to work or anywhere else.

I want to stress what was offered in the hope of easing the complainant's apprehension. She was offered a reasonable level of protection by police, a new identity for as long as she wanted, and relocation assistance. Protection, a new identity and relocation are available to witnesses as a service from my ministry and police departments. We have developed experience in dealing with such matters over the years and the program has been a success.

In the end, however, it became apparent to Mr. Cassells, as it did to others involved, that nothing could be offered to her by way of protection that would satisfy her.

I will turn now to the second subject, the necessity of the crown proceeding in this or similar cases. At the very base of our criminal



justice system is the principle that the crown must have carriage and control of criminal prosecutions. The Canadian text, *Criminal Law*, sets out the fundamental differences between civil and criminal law:

"There are many legal wrongs that are not crimes, such as torts or breaches of contract, and the essence of a civil action for one of these wrongs is that the harm caused by the defendant is shifted from the shoulders of the plaintiff on to the shoulders of the defendant in so far as money is able to do it. In some cases, the defendant can be ordered to rectify the wrong he caused.

"The criminal process is totally different. For example, if a victim has been raped, she must decide for herself whether to sue the rapist in tort for assault and recover damages from him. The damages awarded will be assessed according to the harm he caused the victim, but it is not the victim's choice as to whether he is prosecuted or not. She is frequently, but misleadingly, called the 'complainant.' But that is an evidentiary term, not a procedural one. She may be the informant.

"But any person, having reasonable and probable grounds to believe the guilt of the accused, may swear out an information and the victim may be compelled to testify whether she wishes to or not. Of course, if the victim does not tell anyone of the rape, it is impossible that rapist would ever be prosecuted, but this does not affect the theoretical position. Indeed, in practice, it will not be the victim—the complainant, so-called—who initiates the prosecution as the informant but a police officer.

"Thus, a criminal prosecution is launched by anyone at all or by someone representing what is loosely called the state, and the victim is merely in the position of being a voluntary or even reluctant witness for the prosecution. Furthermore, in many criminal offences, there is no victim at all, such as in speeding offences or in many possession offences, but this does not stop the act from being categorized as one involving actual or potential public harm and susceptible to the criminal process.

"Thus, the essence of criminal law is its public nature. A crime is, in fact, not a wrong against the actual person harmed, if there is one—the victim as he may be called (although it may also and coincidentally be a civil wrong against him)—but a wrong against the community as a whole. The prevention—or lessening, since total prevention is not possible—of crime cannot be left to an individual's choice but is the responsi-

bility of any member of the community and, in particular, those who represent the state—the police or the prosecuting authorities."

Mr. Stewart, the assistant crown attorney who handled this matter, in his submissions to Mr. Justice O'Brien, pointed out the decision to prosecute is one to be made by the crown and not a victim or a witness. He noted that this allows the crown to act as a buffer between the victim and the accused. If it were otherwise, we would be encouraging persons who are facing criminal charges to intimidate and threaten their victims in order to get them to drop the charges. He stated that we would be creating an open season on victims, once accused persons realized the decision to prosecute is in the hands of the victim.

It is of vital importance to our criminal justice system that accused persons realize that pressure of any sort brought upon victims and witnesses will have no effect upon the decision to prosecute.

**2:30 p.m.**

There is a legal theory at the root of this position that is fundamental to the administration of justice and to our functioning as a free society based on the role of law. Because of its importance, it is worth some consideration and reasonable discussion here and elsewhere when people consider this case.

Let me stress that we must always demonstrate concern for the victim in any particular case. In terms of sexual offences, we have taken a number of important steps to assist victims and witnesses, and I can detail them later. I acknowledge that there is still progress to be made in this regard.

I can tell members that in sexual offence cases, where the victim has been traumatized by the events and where there is medical evidence that court proceedings would cause serious harm, we have indeed halted prosecutions. Obviously, in such cases it would be improper to proceed and to punish further a victim or witness.

While we must demonstrate concern for victims and witnesses, we must also stand on guard for the rights of accused, whatever the allegation against them. All accused are entitled to confront the facts against them in an impartial forum beyond the reach of vigilante attitudes.

As well as guarding the needs of victims and the rights of accused persons, we must also not forget that society as a whole has rights, has a stake in the proper administration of justice. This point was well put in *Regina versus Strong*,



a case in the appeal division of the Supreme Court of New Brunswick, when it was stated:

"A crime is an offence against the state and not merely a wrong done to an individual. Hence, no private party can, by condoning or forgiving a personal injury done to himself in the commission of crime, thereby condone or pardon the offence against the King—that is to say, against the state—which is an essential element of all crime."

When he examined this very set of circumstances, Mr. Justice Linden had a number of observations that are also worth noting. Counsel for the complainant had argued that requiring her to testify would have breached section 7 of the Charter of Rights and Freedoms, which guarantees the right to life, liberty and security of the person. Mr. Justice Linden wrote in his judgement:

"There is no doubt that the applicant is under considerable stress and that she views her continued involvement in these proceedings with foreboding and even fear. She is deserving of sympathy and empathy from her fellow citizens. This court is most sensitive to her difficulty, as it is to that of all witnesses who must testify in criminal and, indeed, other trials, particularly when these witnesses are the victim of those crimes. It is rarely a pleasant experience for witnesses or victims to testify, especially those who are victims of this particularly vicious type of offence.

"Nevertheless, I am unable to hold that the security of the person of this particular applicant had been interfered with by the state in requiring her to testify at the preliminary hearing in this case. Although it is clearly a stressful situation for her to testify, and it would certainly be to her emotional detriment, the evidence is not strong enough for me to conclude that her security of the person would be interfered with. Anxiety and stress, as real and as unpleasant as they may be, are not enough to qualify as infringements of the security of the person. It is hard to differentiate the applicant's distress from that of many other rape victims, who often suffer emotional trauma in giving evidence, yet still proceed to do so as their public duty."

Mr. Justice Linden went on to say, "If a person has relevant and vital evidence to give in a most serious trial, to subpoena her to attend a court in the appropriate way does not violate any principles of fundamental justice."

Later in his judgement Mr. Justice Linden said: "It is a sensible, necessary rule of our society to require the giving of testimony, if

needed, even where the emotional tranquility of the individual must suffer as a result, and even if it puts them at some risk of retaliation. To testify in court is unpleasant for many witnesses, but it is nevertheless necessary for the proper administration of justice. The courts are aware of the anguish caused to many witnesses. We admire them for performing their duty. We are grateful for their assistance. Without them the work of the courts would be greatly impaired and, indeed, might be rendered largely ineffective."

With respect to the broad principles and the issue of safety, Mr. Justice Linden had this to say about the course of this particular case:

"The state requires individuals to give the courts any evidence they have to give. These individuals include both the ordinary people as well as the most powerful in our society. In return for this, of course, the state is obligated to these witnesses to minimize their anxiety and furnish them with as much protection as possible, for they may be in peril.

"If we were to permit anyone who is frightened or apprehensive of giving evidence to refuse to do so, desperate and dangerous accused persons would be encouraged to make these threats in the hope of discouraging witnesses from testifying. It could produce a situation where the very worst offenders could avoid conviction by threatening the witnesses who have the evidence to convict them. The legal system cannot tolerate that. Hence, the courts are unable to excuse witnesses from giving their testimony, even when it is fraught with danger and emotional trauma for the individual."

As an aside, I might make note that Mr. Justice Linden, one of our very able judges, was recently appointed to chair the federal law reform commission.

In dealing with the contempt issue earlier this week, Mr. Justice O'Brien made observations which will also be of interest to members. In his reasons for sentence, Mr. Justice O'Brien stated:

"The information given by the complainant to the police and on the preliminary hearing led to the institution and processing of very serious criminal charges. The refusal of the complainant to testify made it difficult for the crown attorney and this court to deal adequately with those charges.

"The refusal to testify or give information to the investigating police officer about the threats made it very difficult for the police to deal with those threats or to provide any protection to the accused, if such threats were made. If this

complainant was raped, as she told the police, it would appear very unfair, on the face of it, that she should be punished by this court for her refusal to testify, if in fact she had been threatened. I must keep that in mind. However, it is essential for the successful operation of our court system that the procedures, particularly those dealing with the attendance of witnesses and the compulsion of testimony from those witnesses, be enforced and complied with.

"In my view, our courts cannot permit witnesses to ignore those procedures or to permit persons charged with serious criminal offences to threaten witnesses and thus avoid criminal charges or make it difficult for the courts to deal with such charges. I note there are procedures available to investigate and deal with threats, and police protection was available in this case."

I want to deal very briefly with the number of court appearances. A search of police records shows that the complainant was required to appear in court as a witness at the most on two occasions prior to her refusal in May to give evidence. Subsequently, she was required to appear on a number of occasions, primarily as a result of her refusal to testify. One of the reasons for delaying the proceedings against the accused was so that both could be tried at the same time, thereby saving the complainant several court appearances and the repetition of her testimony.

Next I would like to turn to the role of the Attorney General. There have been repeated demands by members opposite for my intervention in this matter at this point. Let me assure members there is absolutely no basis whatsoever for me to appeal. My senior crown law officers have explored this suggestion and have advised me that I have no basis for appeal or any possible remedy under the Charter of Rights and Freedoms. I am prepared, if members wish, to provide the detail in support of that opinion.

**Mr. Speaker:** Order, please. As all honourable members are well aware, according to standing order 63, the time for ministerial statements on a Thursday afternoon must be limited to 30 minutes. If the minister wishes to continue, may we have the concurrence of the House to do so?

Agreed to.

**Hon. Mr. McMurtry:** Mr. Speaker, it should be remembered that the complainant herself, after discussing it with her counsel, decided against any appeal remedies that were and are open to her. I wonder why members opposite press me to intervene, even though I have no

authority to do so, to assert a remedy for the complainant when she, after consideration and legal advice, has freely chosen not to assert her rights in this regard.

**2:40 p.m.**

The final subject is the role of the crown attorney and assistant crown attorney in this matter. I have already mentioned the activity of Mr. Cassells, the crown attorney who dealt with the complainant personally and made the proposals to ensure her safety.

It should be noted that Mr. James Stewart, assistant crown attorney, reports that when he met the complainant on April 29, 1983, when she first indicated a reluctance to testify, she stated she had not been threatened but she was just tired of the case. Mr. Stewart, at the time of sentence, made it clear that he was not asking that the complainant be incarcerated. He stated clearly his understanding and sympathy for her. When she was sentenced, he offered to assist her lawyer in expediting an appeal and her release on bail. His offer was refused and he was informed there would be no appeal.

I want also to advise members of what transpired since the complainant was sentenced on Monday for the contempt. The complainant, like all new arrivals in detention centres, was advised by staff of the Ministry of Correctional Services of various early release programs available to her, including temporary absence projects. She told the staff she did not want early release and wished to finish her sentence to its normal release time on Friday morning.

By way of summary, I think these points are clear:

1. The crown offered police protection. The offer was refused.
2. The crown offered to relocate her as part of a protection program tailor-made to her needs and her security. The offer was refused.
3. The crown offered to assist in expediting an appeal of her sentence for contempt of court. The offer was refused.
4. The crown offered to assist in an application for bail pending appeal. The offer was refused.
5. The authorities offered to assist in obtaining her release from jail to a community resource centre. The offer was refused.

I am sure all members of this House share a very deep concern about the anguish and the difficulties faced by this young woman. We have done everything in our power to assist her. She is entitled to the protection which we offered her and which she refused.

We must be concerned about potential victims and the right of every citizen and every member of the community to be protected against the commission of offences. If the courts cannot deal with these cases on the merits, then the victim is not protected. No one is protected. No one is safe unless the courts have the ability to ensure that rape cases are tried on their merits and that the evidence against a person accused of rape is available for the ultimate protection of the public.

In conclusion, I should make the point that attached to my statement are transcripts of all the court proceedings in relation to the quashing of the subpoena and the contempt proceedings, which are a matter of public record but which may be of interest to the members.

### VISITOR

**Mr. Speaker:** With the indulgence of the House and before proceeding, I ask all honourable members to join with me in recognizing and welcoming in the Speaker's gallery Mr. Jean-Robert Gauthier, member of Parliament for the riding of Ottawa-Vanier and representative of the International Association of French-Speaking Parliamentarians of the Americas.

Mr. Gauthier is visiting Queen's Park for discussion meetings with other members of the Ontario section of the association.

### ORAL QUESTIONS

#### CONTEMPT OF COURT ISSUE

**Mr. Peterson:** Mr. Speaker, I have a question for the Attorney General about his statement, which I followed with great interest. We too have prepared a chronology that would have included many facts the Attorney General did not include and would have excluded some of the facts he did include; for example, the gratuitous statement about modelling in the nude. I do not think that is constructive to this debate.

Would the Attorney General not agree that this is not the ordinary kind of case to make an argument about compellable witnesses? We are dealing with a traumatized victim of a rape. The alleged rapists are not exactly the Boy Scouts of America. The net result, after the Attorney General's 24-page statement, is that we have the victim in jail, the alleged rapists are at large and it appears justice will not be done in this case.

**Mr. Speaker:** Question, please.

**Mr. Peterson:** The Attorney General indeed had a role, as did his crown attorney, that he did

not include. It was his crown attorney who proceeded in court to try to develop the citation for contempt of court. He was aware of that application on November 21. He had time between November 21 and November 28 to ask his crown attorney not to proceed to have this young lady cited for contempt. Why did the Attorney General not use the powers he had to not proceed with that citation for contempt in this most difficult case?

**Hon. Mr. McMurtry:** Mr. Speaker, we have attempted to set out in 24 pages the reasons the crown attorney did not decide not to proceed. It was clearly in the public interest to do so, and I think for any reasonable observer the reasons are adequately set out in the statement I have just read.

**Mr. Peterson:** To be very clear, it was the Attorney General and his crown attorney who proceeded with the citation for contempt. It was at the Attorney General's initiative, and that is not laid out in his statement of 24 pages giving all the facts. So the Attorney General does have a role.

**Mr. Speaker:** Question, please.

**Mr. Peterson:** The Attorney General had the power under the Ministry of Correctional Services Act regulations to have this young lady paroled immediately in conjunction with his colleague the Minister of Correctional Services (Mr. Leluk), had he so desired. I refer the Attorney General to part II, section 40, subsection 2, which says: "Notwithstanding subsection 1, the board may parole an inmate at any time where, in the opinion of the board, compelling or exceptional circumstances exist that warrant the inmate's parole."

Would the Attorney General not agree with me that these are compelling and exceptional circumstances and that, having made the original mistake, he and his colleague should have used their good offices to parole this young lady immediately and get her out of jail?

**Hon. Mr. McMurtry:** Obviously, as far as the Leader of the Opposition is concerned, by reading very extensively from what I think is the very wise and eloquent judgement of Mr. Justice Linden as to the importance of this witness testifying in these particular circumstances—reasons that were endorsed by Mr. Justice O'Brien—we know the chronology of events, and we have stated to the Legislature what representatives of the crown and the government did to assist in the circumstances. As far as



I am concerned, everything reasonable was done that should have been done.

**Mr. Rae:** Mr. Speaker, I think it is important to establish for the record that the Attorney General has changed the grounds from what he was saying previously. He was saying previously, not in this place but outside, that there was nothing he could do. The whole thrust of his statement today is not that there is nothing he can do but that what has happened is in his view the right thing to have happened.

**Mr. Speaker:** Question, please.

**Mr. Rae:** He had a 24-page justification of the jailing of this woman for a week, which I find to be an absolutely astonishing statement by the Attorney General when the liberty of a subject is affected in this way.

I would like to ask the Attorney General, as the chief law officer of this province, whether he has considered the impact that the jailing of a woman, a victim of rape, is going to have on the willingness of other people who are also the victims of this horrendous crime to come forward and take their case to the police. Has he considered the impact this is going to have on these people?

**Hon. Mr. McMurtry:** Mr. Speaker, it is quite clear that both judges who dealt with this matter considered all of the issues related to the public interest. My position, which I stated outside the House when questioned yesterday—I mentioned it briefly in the House on Tuesday night—was that there were no grounds upon which the crown could intervene so far as an appeal was concerned, and we have repeated this in greater detail in the statement.

I am sure these issues were of great interest and great concern to the distinguished trial judges who were involved in this matter, and obviously they must have weighed all of these issues related to what is the greater public interest. Mr. Justice O'Brien has so indicated, and a full transcript has been provided of the proceedings in front of him.

2:50 p.m.

I have to say to the leader of the New Democratic Party, and I say this more in sorrow than in anger, I wish he had been here Tuesday night; he might have restrained some of his members with respect to the totally vicious and unprincipled attack that was made on the judiciary in Ontario.

**Mr. Renwick:** Mr. Speaker, on a point of order: The Attorney General has at this particular point in time made serious allegations against

my colleagues in the New Democratic Party. I was here Tuesday afternoon but not in the evening. The Attorney General was not here on Tuesday afternoon but was here Tuesday evening. That is not the point.

Let me draw to the Attorney General's attention the statement made in the British House of Lords on this very question of the right of persons to criticize the judiciary. I want to put this to the minister, Mr. Speaker, in response to the allegations made against my colleagues by the Attorney General and in the light of my remarks to ask you to have him withdraw those remarks. I quote from page 60—

**Hon. Mr. McMurtry:** Mr. Speaker, on a point of order—

**Mr. Stokes:** He's on a point of order. Sit down.

**Mr. Speaker:** Order, please. The member for Riverdale has the floor on a point of order.

**Mr. Renwick:** I quote from page 60 of the 1973 3 All England Law Reports in the case of the Attorney General of England versus the Times Newspapers Ltd., from the comments of Lord Reid with respect to freedom of speech and criticism of the judicial process. He in turn quotes from the case of Ambard versus the Attorney General for Trinidad and Tobago and the comment of Lord Atkin in 1936 in that case. This is the whole of that quotation:

"But whether the authority and position of an individual judge or the due administration of justice is concerned, no wrong is committed by any member of the public who exercises the ordinary right of criticizing in good faith, in private or public, the public act done in the seat of justice. The path of criticism is a public way: the wrongheaded are permitted to err therein: provided that members of the public abstain from imputing improper motives to those taking part in the administration of justice, and are genuinely exercising a right of criticism and not acting in malice or attempting to impair the administration of justice, they are immune. Justice is not a cloistered virtue: she must be allowed to suffer the scrutiny and respectful even though outspoken comments of ordinary men."

On the basis of that statement, I ask the Attorney General to withdraw the imputations and allegations he made against my colleagues a few minutes ago. I ask you to so direct him, Mr. Speaker.

**Hon. Mr. McMurtry:** Mr. Speaker, if the

honourable member wants to debate this, I would be interested—

**Mr. Renwick:** I do not want to debate it—

**Hon. Mr. McMurtry:** I would be interested to know—

**Mr. Renwick:** Mr. Speaker, on the point of order—

**Mr. Speaker:** Order, please.

**Mr. Renwick:** The Attorney General plays fast and loose with the rules of the House. I am asking you, if necessary, to recess this House until the transcript is available, and on the basis of the Attorney General's remarks and my remarks about the right in this assembly or elsewhere to criticize the judicial system, I want you to rule whether or not he should withdraw his remarks. I do not want him to perpetuate this nonsense.

Interjections.

**Mr. Speaker:** Order, please. I heard the remarks of both honourable members very clearly. I have to say that I agree with and am sympathetic to the issues raised by the member for Riverdale. I ask the Attorney General to withdraw his remarks.

**Hon. Mr. McMurtry:** Mr. Speaker, the point that I would make—

Interjections.

**Ms. Copps:** You are wrong.

**Mr. Rae:** There is one rule for all of us—one rule for everybody. You either have rules for everybody or you do not.

**Hon. Mr. McMurtry:** Surely, Mr. Speaker, one should have the opportunity—

**Mr. Speaker:** Order. I have to advise the Attorney General that I did listen very attentively and carefully to those remarks Tuesday last. I am of the opinion that the remarks which were just made were somewhat uncalled for. I ask the Attorney General to withdraw the remarks, please.

**Hon. Mr. McMurtry:** At your request, sir, I withdraw them.

**Mr. Peterson:** The whole thrust of the Attorney General's statement, Mr. Speaker, is to support the judges' decisions and at the same time to deny any personal responsibility or the responsibility of the Attorney General and his various agents.

**Mr. Speaker:** Question, please.

**Mr. Peterson:** Why would he now not at least use his offices, in addition to those of the Minister of Correctional Services, to arrange

for immediate parole of that young lady? Surely he has the right. He has the responsibility and he could do it in five minutes if he issued the order. It could have been done three days ago. Why does he not now at least do it to send out the proper signals, or at least try to repair some of the damage that has been done in this case?

**Hon. Mr. McMurtry:** I just repeat what I said in my statement about the initiatives that have been taken and the refusals with which they were received.

**Mr. Peterson:** Mr. Speaker, I have a new question of the Attorney General.

It is obvious that the Attorney General, in his statement, did not create the entire atmosphere that surrounded this case. As I said, the chronology was rather selective. He did not report, for example, that one of the co-accused had been shot and that there was a variety of rumours about why he was shot. Indeed, of the three co-accused, one had pleaded guilty to an assault charge. There was a whole atmosphere around this case that I suggest would traumatize anyone, including anyone in this chamber, had it happened to him personally.

**Mr. Speaker:** Question, please.

**Mr. Peterson:** That is why I am asking the Attorney General this question. Would he not agree that as a result of this decision we are sending a signal from this Legislature, and indeed from those courts, that it is going to be the traumatized victim who is going to pay and not the alleged offenders? Are we not sending out the wrong signal from the justice system in this province? Do we not have to rectify that immediately?

**Hon. Mr. McMurtry:** First of all, Mr. Speaker, as I have already said, the police tried very hard to find out whether or not a threat had been made. They were unable to achieve any success in that regard.

I was going to refer simply again to Mr. Justice Allen Linden's judgement when he talks about the rights of victims generally and that if the court had not taken a serious view of the refusal to testify, in the court's view, the signal that would have been sent out to the community as a whole, and particularly to rapists and would-be rapists, would have been that it is relatively easy to intimidate a witness. What that would have done to protect the rights of women in the community was obviously of great concern to both Mr. Justice Linden and Mr. Justice O'Brien.

**Mr. Peterson:** Are we not sending out an even stronger signal to women who are raped in this province? As the Attorney General knows, the reporting figures are abysmally low as it stands now. Roughly only 10 per cent of the rapes get reported now, and the conviction rate is substantially lower than that.

Are we not sending out the wrong signals to those people who are humiliated, traumatized and embarrassed by this kind of situation, that they now run the risk of being victimized and going to jail as well? Surely the system is not sensitive in this regard and the Attorney General, as the chief law officer, has the responsibility to correct that immediately. Why does he not stop defending this whole bizarre, unjust case and start doing something to send out the proper signals?

**Hon. Mr. McMurtry:** First of all, it is quite clear that the assistant crown attorney, in his view of the case, did not request the incarceration. Citing the complainant for contempt, hoping that she would testify, obviously, as far as I am concerned, was quite a proper course of action.

If the member were really concerned for one moment about the rights of victims of sexual attack, he would appreciate, obviously to a far greater extent than he does, the signal that would be sent out if it was felt that any apprehension of harm would simply end a case.

**3 p.m.**

Of course we are tremendously sensitive to the rights of these victims. There is no doubt that having to go through court, as both Mr. Justice Linden and Mr. Justice O'Brien have stated, is obviously an unpleasant experience. No one likes to see any victim go through the necessity of appearing in court, but under our system, as the member well knows, that is the only way people who have committed rape are going to be convicted.

If the signal goes out that all victims have to say is that they have an apprehension of fear—and I do not belittle that apprehension for one moment—if the signal goes out, as Mr. Justice Linden stated in the passages I have quoted, that a witness undoubtedly has some apprehension of fear notwithstanding offers of police protection, this apprehension of fear will, in effect, automatically terminate any prosecution. In my view, the message that goes out to the community can only be a message of encouragement to rapists and would-be rapists.

**Mr. Cassidy:** Mr. Speaker, I am extremely concerned about this case and I am very concerned about the signals that go out. I am also concerned that the crime of rape goes largely unpunished in our society and I am concerned that the Attorney General had nothing to say about that at all in a statement that was notable for its lack of feeling for the victim in her particular plight.

Is the minister not aware that an estimated 90 per cent or more of rapists go unpunished because their cases never come to court? They do not come because of the fears, traumas and problems rape victims have in terms of being prepared to go through the ordeal the woman in this case had to go through.

Is he not aware as well that for a full year this woman was prepared to testify but the delays in this case were such that it was almost two years before the trial finally occurred? That is an unreasonable kind of pressure to put any person under, given the nature of a sexual assault.

Will the minister explain as well why he has said nothing about the fact that no action has been taken about the 17-year-old boy, only two years younger than this woman, who was so afraid he simply made himself scarce every time the police went out to try to find him with a subpoena?

In return for seeking to find legitimate and above-board ways of being freed from the traumatic pressures of having to testify in this case, this woman has been jailed for seven days. The message to the one woman in nine who actually is raped and then takes a case into the courts is very clear: "Join the 90 per cent of your sisters and do not talk about it because you are going to be made the victim once again." What is the Attorney General's comment?

**Hon. Mr. McMurtry:** Mr. Speaker, I understand there is a resolution on the order paper for an emergency debate which may follow. I would be very happy to take the next half an hour, as would the Solicitor General (Mr. G. W. Taylor) and the Provincial Secretary for Justice (Mr. Walker), to outline the very many initiatives that have been undertaken by this government and by police forces across the province to ease this problem that is faced by victims of rape and other sexual assaults.

A great many initiatives have been taken and the problem has not been eliminated, but for the member to stand there and suggest there is not an enormous degree of sensitivity in the ranks of police officers, in the ranks of the crown attorney system and in the ranks of the various



ministries that have been involved in this problem is simply to misrepresent the record, that is all.

**Ms. Copps:** Mr. Speaker, with respect, I think the point, certainly as far as this woman was concerned, is that she did not feel the sensitivity of the people involved was enough to carry her through the process. In the minister's chronology game he has failed to identify the key point, that between her original testimony at the preliminary inquiry in November 1982 and March 1983, when there was an apparent turnaround, one of the co-accused was shot.

I also cannot understand—perhaps the minister could clear this up—why in his statement he states, "For purposes of this chronology I will note that the complainant stated she had received no threats." I hand-delivered a letter to the Attorney General last June in which, in a first-person account, the victim stated for purposes of the record, "I decided I no longer wanted to testify for two reasons: the fear of retaliation and the emotional wear and tear of going to court."

The minister will also know that the police ordered a wiretap on her home as early as February 1983 simply because of the fear she had expressed to the police.

**Mr. Speaker:** Question, please.

**Ms. Copps:** Why does the minister not believe this woman's own expression, in a letter to him that I hand-delivered last June, that she feared retaliation and that it was this fear that prevented her from carrying on through the full testimony?

**Hon. Mr. McMurtry:** Mr. Speaker, no one has ever said that she did not have a genuine apprehension of fear or that she did not fear retaliation. The statement I made is on the record, if the member had listened, that in the meeting she had with Mr. James Stewart she said she had not received any threats, and that, of course, is quite a different thing from apprehension of threats or retaliation.

**Mr. Cassidy:** On a point of order, Mr. Speaker: The minister accused me of misrepresenting the record when I said that he was unfeeling and unsympathetic to the plight of this victim. That is a matter of judgement. But he seemed to imply that I was referring to attitudes of the agencies or departments of the government to which I had not referred at all, except to point out that this case has been in the works for two years and that is too long to make a rape victim suffer.

**Mr. Speaker:** Order. As you said or implied, it is not a point of order; it was a judgement.

**Mr. Rae:** Mr. Speaker, I would like to read a quotation to the Attorney General, which comes again from the House of Lords, from Lord Reid, in a criminal contempt case in 1973. He says: "The Attorney General is not obliged to bring before the court every prima facie case of contempt reported to him. It is entirely for him to judge whether it is in the public interest that he should act."

We are not asking Mr. Justice Linden and Mr. Justice O'Brien in this House. We are asking the Attorney General of this province how, when he was fully aware of the circumstances and fully aware of the fact that somebody who is cited for contempt can go to jail and can be incarcerated, he can justify having taken that decision and having allowed it to go forth in the court. The contempt citation did not come from the judge; it originated with the crown attorney in the case.

I would simply like to go back to the fundamental question. Why did he and his law officers exercise their discretion in bringing this contempt application before the court when they knew or must have known full well that the implication of bringing that application before the court was that the woman involved stood a very good chance of going to jail? Why did they do it?

We are not asking Mr. Justice Linden and we are not asking Mr. Justice O'Brien. We are asking the Attorney General of this province to justify a political decision that was taken by him, exercising his discretion in the broadest sense with respect to his functions as a law officer of the crown. Why did he not exercise it on behalf of the liberty of the subject in this case?

**Hon. Mr. McMurtry:** Mr. Speaker, I am saddened at the fact that the leader of the New Democratic Party would attempt to turn a debate over a very complex and difficult issue into a sort of partisan battle. The fact of the matter is that the crown attorney who made the decision, a decision with which I concur, did the right thing in asking that the witness be cited for contempt when she refused to testify at the opening of the trial.

Given the decision of Mr. Justice Linden—and one has to look at his decision in the context of what he thought of the importance of her testimony—given the fact that she had testified at a preliminary inquiry, given the fact that an accused had gone through a preliminary inquiry on a very serious charge, I think it would have

been irresponsible of him not to proceed in that manner.

**3:10 p.m.**

As I understand the case, he made his application. First of all, given Mr. Justice Linden's decision, in my view it would have been irresponsible for him not to do so; and he also had to lay the foundation for requesting the court to receive the transcript of the preliminary hearing in the absence of her evidence.

If the member will read the transcript which I provided to him he will see that the crown attorney stated at the end of the accused's case for the defence that the alleged victim would have the opportunity to purge her contempt. It was hoped at that stage, given the fact that the accused adduced some evidence, that she would have, the motion having been made—and I might say that her own counsel, who was in court, did not quarrel with the citation of contempt—the opportunity to purge her contempt by giving evidence which would clearly be in the public interest. The manner in which he conducted himself was entirely proper. Certainly, he was going to use any appropriate procedural methods to try to influence her to testify in the public interest.

**Mr. Rae:** Mr. Speaker, it must be one of the few cases where it is the victim who needs to have a defence counsel.

I have a question to ask the Attorney General. He mentioned the evidence at the preliminary inquiry and the evidence that was read into the record. I will quote from the Ottawa Citizen of November 22.

The evidence that was given at the preliminary inquiry and read into the transcript of the trial says as follows: "The man"—that is one of the accused, whom I will not name in this assembly—"then got her male friend and brought him to the bedroom, where he told him to perform a similar act, at which point C had sexual intercourse with her against her will.

"When they finished, B forced her to have sexual intercourse with him, she said." That is reading from the testimony at the preliminary inquiry.

I would like to ask the Attorney General why there has been no mention made in the course of his entire statement about the fact there was a male friend who was a witness to the events, who appears, according to the evidence at the preliminary inquiry, to have been in the same room at the time one of the acts occurred?

Why was there no mention of that in the

Attorney General's statement at all, so far as I can recall, and why was that witness not called? There is no mention of that. Why have there been no proceedings brought against this individual, if it is so important that justice be seen to be done in this instance—and we all agree that it is; why is it that it has only been brought to bear against the complainant and not against anybody else?

**Mr. Speaker:** Order, please. Just before you answer that question, I would ask the member for York South to withdraw his remarks where he suggested the Attorney General made a political decision. As you know, that is imputing motives.

**Mr. Rae:** I do not think "political" is a pejorative word. I have never used it in that context and I certainly did not intend it in this context. I intended it referring to the broad exercise of the Attorney General's discretion. If you are insisting that I withdraw the use of the word "political," although I insist I meant nothing pejorative by it—I am proud to describe myself as a politician—I would certainly be pleased to do so.

**Hon. Mr. McMurtry:** Mr. Speaker, I hope the member for York South is not suggesting that the crown attorney did not do everything within his power to successfully prosecute without having viva voce evidence of the complainant, as the victims are frequently referred to. The fact of the matter is, any way he could have established this case without her evidence is obviously the manner in which he would have proceeded.

I cannot tell the member at this time what witnesses might have been called, other than that I have been given the assurance that all witnesses who were available who could give relevant evidence were, in fact, called.

**Mr. Peterson:** Mr. Speaker, a simple question for the Attorney General. Does the Attorney General agree with the sentence that this young lady spend a week in jail?

**Hon. Mr. McMurtry:** Mr. Speaker, I simply adopt the position that was adopted by my agent, the crown attorney. The manner in which he handled the matter cannot be criticized. He submitted that in his view it was not necessary that she be incarcerated. I am not going to quarrel with his view in that regard.

**Ms. Bryden:** Mr. Speaker, is the Attorney General not aware that a woman is assaulted sexually in Canada every six minutes and studies show that only one in eight now reports the

crime to police? Is he not aware of the extreme trauma experienced by victims of this heinous crime and their very real fear of reprisal?

In this case, the victim phoned the Ottawa Rape Crisis Centre 85 times in the three months before the preliminary hearing, which indicates the trauma.

In view of these statistics and this trauma, does the Attorney General not agree that the methods of dealing with this type of crime in the court procedures require a complete overhaul? Will he immediately ask an all-party committee of this Legislature to bring forward proposals which will propose special court and police procedures for dealing with victims of these crimes and which will protect the victims and help them overcome their very severe reluctance to report an assault?

**Hon. Mr. McMurtry:** Mr. Speaker, I can only reiterate what I stated before. A large number of hours is spent every week by a large number of people in the crown attorney system, the law enforcement agencies, the various ministries of the government and by the Provincial Secretary for Justice. They are looking for initiatives in order to improve the system. Nobody questions that the system needs to be improved. No one questions for a moment the seriousness of this crime or the personal anguish that is suffered by victims of this heinous behaviour.

#### THUNDER BAY RAPE CASE

**Mr. Rae:** Mr. Speaker, last week another case came to my attention and I know it has come to the attention of the Attorney General. It concerns an event that allegedly occurred on March 4, 1983, near Thunder Bay.

It concerns a victim of a gang rape who made a statement to the police on March 5, 1983. On May 3, 1983, she met the assistant crown attorney. Charges were laid and on May 9, 1983, the first preliminary hearing was held. There were many remands and on August 8 the preliminary was set to continue.

Throughout, the woman was prepared and in fact adamant to testify, determined to testify. One of her friends was afraid; in her own words she was petrified. She said the men were animals. She was very frightened and was not prepared to testify at the hearing on August 8.

On August 8, the victim was advised by the crown that he was withdrawing the charges. He did so one hour later. The explanation given to her was that once she had been raped by several men it might be argued she had consented. The victim insists she never did.

**Mr. Speaker:** Question, please.

**Mr. Rae:** She was also told her alcohol level was high and the facts would make her look bad on the witness stand. She says, and says to this day as the Attorney General is fully aware, that she does not care about the previous evidence or any other attempts that may be made to destroy her character on the stand, she wants to go ahead. She is determined to go ahead and is prepared to testify in this case whatever may come.

**Mr. Speaker:** Question, please.

**Mr. Rae:** I am raising this today because the discrepancy between what the crown did in this case and what it did in the other case seems so enormous. Is the minister prepared to investigate the case? Is he prepared to see that justice is done in this instance with respect to this victim of what would appear to be an extremely violent crime?

**Hon. Mr. McMurtry:** Mr. Speaker, I cannot honestly state at this moment whether I have been advised of the circumstances of this case but I certainly will look into it and advise the honourable member opposite as to any views I might have in relation to the conduct of the case to this time.

**Mr. Rae:** The victim wrote to the senior crown attorney three times. She received no acknowledgement. She wrote to the Attorney General on September 29 outlining the facts of her case and she received the following reply on October 6. The letter said: "I wish to acknowledge your letter of September 29 regarding your concerns with respect to the withdrawing of criminal charges in a case in which you were the victim involved. I am looking into the matter and will write to you again when my information is complete."

**3:20 p.m.**

It is now nearly two months since that letter was written from the minister's office. Again, it was about somebody who was a victim of a crime in March of this year. Does the Attorney General not feel it is essential that justice not only be done but be seen to be done, and be seen to be done with some attention and alacrity in those instances where people are prepared to testify and where it does, obviously, cause such extreme trauma to the victim?

**Hon. Mr. McMurtry:** I have absolutely no quarrel with that statement. I will certainly investigate immediately to find out what is causing the delay in our response.



**Ms. Copps:** Mr. Speaker, the minister will no doubt be aware that in the discussions we have had on this issue over the last couple of days there are many instances across the province where women who are victims find themselves in difficulty either in terms of testifying or not proceeding to testify. I wonder if the Attorney General would give us an assurance today that he will follow the suggestion made by the executive director of the Ottawa Rape Crisis Centre, Cindy Moriarty, that a high-level group of people across this province from the judiciary and the police, as well as people working in the field of rape crisis, convene a discussion group to look at ways of changing the system to afford more protection to the victim as she or he works his way through the system. Will the minister give us that assurance today so that the kinds of incidents that have been raised in the House today and on Tuesday will not be repeated in the future?

**Hon. Mr. McMurtry:** Mr. Speaker, I can assure the honourable member opposite, simply, that this matter is under constant review.

**Mr. Rae:** One of the disturbing features of the transcript the Attorney General has given to us is a statement from the assistant crown attorney, who said in response to a question from Mr. Justice O'Brien, "If you could perhaps direct that comment to Mr. Greenspon, since I haven't talked to the complainant for some time." That was the statement by the assistant crown attorney who was responsible for taking the complainant through the very difficult and traumatic evidence she was expected to give at a trial with respect to a particular accused.

Now we have an instance of a problem with a crown attorney deciding, in the space of a very short time, that he is dropping the case, where the complainant is ready to appear, wants to appear and is ready to provide evidence and see that justice is done.

**Mr. Speaker:** Question, please.

**Mr. Rae:** Will the Attorney General please consider the impact the lack of discussions among his crown attorneys and officers of the crown and the victims in this case has on the outcome and conduct of these trials and these matters? It is clearly raising a problem.

**Hon. Mr. McMurtry:** In this case, I do not know how much contact there was. At some point in the proceedings—I cannot be precise about exactly when that was—it was made clear to the crown attorney that the victim would

meet only in the company of somebody from the Rape Crisis Centre and a lawyer, which was her right, but it inhibited communication to some extent.

I am not quarrelling with her right to insist on the presence of these other people, but I want to indicate that some years ago I instructed the crown attorney system to ensure, as best as is humanly possible, that one crown attorney follow the case through from the beginning to the conclusion of the trial. In some of the larger centres, we were concerned that different crown attorneys were being involved. The issue I raised and pressed home at that time was that there were victims of sexual assault who understandably regarded as a stranger the crown attorney conducting their case and often asking very personal questions. In my view, this is totally unsatisfactory.

Certainly, the instructions have gone throughout the system continuously that one crown attorney, wherever possible, should follow the case through from the beginning to its conclusion and that he should establish a relationship with the victim that will allay, to the extent it is humanly possible, apprehensions and fears, and enhance the confidence she will have both in the crown attorney conducting the case and in the justice system as a whole. Obviously, that is an important issue.

## TENDERING PRACTICES

**Mr. Conway:** Mr. Speaker, I have a question to the first minister. The first minister will recall that a week ago today he encouraged me and other members of the public accounts committee to await the testimony of Mr. Robert Carman, Secretary of Management Board of Cabinet, with a view to clearing up some of the unanswered questions about the Provincial Auditor's report of November 17 with respect to four items in the Ministry of Government Services.

The first minister should know that this morning Secretary Carman indicated that, in so far as the critical question of the compliance of the ministries of the Ontario government with the Ontario Manual of Administration is concerned, the trail of responsibility leads quickly and directly to the Premier's office. That being the case, what is the Premier prepared to announce in this House this afternoon by way of new initiatives to guarantee that there is vigorous and widespread compliance by all ministers of the government with the Manual of Administration?

**Hon. Mr. Davis:** Mr. Speaker, I am really not aware that the secretary—a very able person; I am sure he impressed the members of the public accounts committee—suggested that was the case. I cannot tell members that because I was not there.

From listening to and reading some of the observations made at the public accounts committee and from my own knowledge of government and how it functions, while I do not expect the member or his colleagues to agree with me—and I understand that—in terms of the guidelines for the administration or management of this government, not necessarily supported by but from any critical analysis of the Provincial Auditor's report over many years—and I have not read this year's yet, obviously—I would be surprised, when one takes into account the amount of administration, the degree of expenditure and the degree of approvals, etc., if one did not find that the system in this province has worked, on balance, extremely well. I do not think there is any question about that if one looks at it objectively and compares it to just about any other government in this country.

**Mr. Cooke:** How about answering the question?

**Hon. Mr. Davis:** Well, if you want to provoke me—

**Mr. Speaker:** Never mind the interjection, please.

**Hon. Mr. Davis:** I am trying to deal with this in a rather reasonable fashion without provoking the member for Renfrew North (Mr. Conway). I sat here and listened very carefully to the discussion on what I think is a very important matter in the earlier part of the question period. I did not interrupt the member for Welland-Thorold (Mr. Swart) or anyone else when I listened to something other than questions, when members opposite were expressing a point of view. On the matter we were addressing earlier, I do not quarrel with that, as a matter of fact, because I think it is important. If the member will extend to me the courtesy of trying to relate, having never been present at the public accounts committee—

**Mr. T. P. Reid:** You refused to come.

**Hon. Mr. Davis:** Eh?

**Mr. Speaker:** Order. Never mind the interjection.

**Hon. Mr. Davis:** Mr. Speaker, I think it is quite clear—and I am not objective, but I believe I am relatively so—in terms of the existing procedures, that the procedures and

the final review by the auditor provide a very excellent control mechanism. I do not say for a moment there will not be examples in the auditor's report of how things could and should be improved or where errors in judgement were made; that is why we have the auditor's reports.

I think that in the existing system there can be those occasions, because there is some discretion in the ministries, where there may be some difference of opinion as to whether the manual was followed or not. I think this is the case in one or two of the matters before the public accounts committee. Those are grey areas where judgements have to be made.

I think it is also fair to state that I am concerned that perhaps the Manual of Administration or the way it is administered may not include all of those situations that could conceivably emerge in the functioning of government. I shall be asking the Treasurer (Mr. Grossman) and the Chairman of Management Board of Cabinet (Mr. McCague) to review it and see whether any alterations should be made to the system to create any measure of improvement.

**3:30 p.m.**

However, I reiterate, and I say this objectively, that when one looks at it in balance—the control system, the functioning of Management Board, the approval process—it has worked very well. I read the Auditor General's reports and I read reports from other provinces and, on balance, I think we do very well here in this province. That does not mean there cannot or should not be some alterations or improvements. I am as interested as anyone in finding ways to improve the system.

**Mr. Conway:** What remains abundantly clear is that we have in this province, under the Premier's guidance and employ, a senior mandarin, the Deputy Minister of Government Services, who, according to the Provincial Auditor, has wilfully violated the provisions of the Manual of Administration, which he has a central responsibility to administer for his department.

This is a senior deputy minister who, in addition to the auditor's suggestion of wilful violation of the Manual of Administration, has now gone further and charged that his former boss, the Premier's parliamentary colleague the member for Lanark (Mr. Wiseman), has not told the truth about what he knew about contracts involved in this controversy.

This is a deputy minister who has wilfully

avoided the sanctions of the Manual of Administration and who has called his former boss, our parliamentary colleague the member for Lanark, a liar.

What disciplinary sanction is the Premier prepared to take in view of the fact that Secretary Carman told the public accounts committee this morning that the responsibility clearly and finally is the Premier's?

**Hon. Mr. Davis:** I am not sure what Mr. Carman said; I was not there. I do not recall the exact wording of the auditor's report to the public accounts committee. I do not know whether he used the word "wilfully" or not. Perhaps the chairman of the public accounts committee, who looks at these things pretty fairly and pretty objectively in most cases, can help me as to whether the Provincial Auditor said that Mr. Gordon wilfully, intentionally—whatever terminology, I am not certain—

**Mr. T. P. Reid:** I believe the word "intentionally" was said.

**Hon. Mr. Davis:** Did he use the word "wilfully" or not?

**Mr. Wildman:** It is not a joke.

**Hon. Mr. Davis:** Of course it is not. I do not think one uses words that were not there. I am just asking—

**Mr. Conway:** The Premier fired the member for Lanark. Why does he not fire the deputy minister?

**Hon. Mr. Davis:** Oh, come on, sit down.

**Mr. Speaker:** Will the member for Renfrew North please resume his seat?

**Mr. Conway:** The Premier hired a deputy minister who called one of our colleagues a liar. If he wants to read it, there it is; he can read it himself.

**Mr. Speaker:** Order. The member for Algoma (Mr. Wildman).

**Mr. Wildman:** Mr. Speaker, I have a supplementary question for the Premier. In his statement this morning, Secretary Carman did, in fact, say that the final responsibility lay with the executive council and the Premier. He pointed to and quoted from the letter that was sent by the Premier to all ministers in mid-November, which stated, "I expect that everyone will adhere to the provisions of the manual without exception."

Is that not an indication that the Premier is taking responsibility? If he is taking responsibility, what action does he intend to take to monitor the compliance with the request in his

letter to ensure that there will be sanctions taken against those senior members of the administration if they do not comply?

**Hon. Mr. Davis:** Mr. Speaker, I tried, before the outburst of the member for Renfrew North—no, I will not comment.

I think that letter made it abundantly clear I expect the deputy ministers to comply with the guidelines of the manual—whatever terminology one may wish to use. I think it is fair to state that in the literally thousands of administrative decisions which are made that would relate to the manual, 99 per cent—whatever per cent—are within the spirit or the rules of the manual itself.

As I have said, it is obvious to me that there may be some areas for improvement of the manual, although I happen to think it is probably the best in Canada, or if the manual is not complied with, what improvements might be made. I can only say to the honourable member that I am as interested as he or anyone else is in how the Manual of Administration or its impact is administered. I think we have made very real progress, if one looks back over the history of the auditor's reports, in the way the affairs of this province have been managed. I am not going to say one will not find examples of where it can be improved. We are looking for improvements every day of the week.

As I said, I will be asking the Treasurer and the Chairman of Management Board to see where there could be needed improvements made in the existing system. I have never suggested to anyone in this House that in any system involving human beings where judgements are made we are going to achieve perfection. I know some of the member's colleagues think they have achieved perfection in their own way.

I know the member for Algoma is too humble ever to put himself in that category. The member for Renfrew North is not. I understand that; I am making it quite clear that humility will never be one of the member's virtues. That is the member for Renfrew North, not the member for Algoma.

**Mr. Eakins:** It is funny to you, isn't it?

**Mr. Speaker:** Order.

**Mr. Conway:** For a guy who fired and crucified Donald MacAlpine—

**Mr. Speaker:** Order, the member for Renfrew North.

**Mr. Conway:** Why don't you treat him the



way you treated Donald MacAlpine or Morley Rosenberg? Why don't you fire those who lie?

**Hon. Mr. Davis:** How about Leonard Rosenberg?

**Mr. Speaker:** Order. The member for Renfrew North will not be cautioned again.

**Mr. Cunningham:** He bought two tables at your dinner.

**Hon. Mr. Davis:** I saw the mayor of Vancouver. They are delighted with the transit system.

**Mr. Speaker:** Order.

**Mr. Philip:** Mr. Speaker, I have a new question on the same topic to the Chairman of Management Board.

This morning Robert Carman, Secretary of Management Board, admitted that in the fall of 1982 he knew the Telepac data base developed by the Ministry of Government Services was done without the approval of Management Board as required in the Manual of Administration.

He further stated publicly that he informed the Chairman of Management Board of that at that early date. Was the minister informed and, if so, did he inform the Premier or the then Minister of Government Services, the member for Lanark, or the cabinet that there was a violation of the Manual of Administration? What action did he take to correct that violation of the Manual of Administration?

**Hon. Mr. McCague:** Mr. Speaker, I did not take any action.

**Mr. Philip:** By the minister's answer, I assume he says that as early as the fall of 1982 he was informed and did have that knowledge.

If, as Chairman of Management Board, he does feel he has a responsibility, does the minister not then feel that as a member of this Legislature or as a citizen of this province he has a moral obligation, knowing there is a violation of the taxpayers' interests, to report it to the appropriate authorities, be it the minister, the cabinet or the Premier?

Why did he not take on that responsibility which is his, not only as a minister and a member of cabinet, but also as a citizen of this province?

**Hon. Mr. McCague:** I never felt it was my responsibility to inform the auditor of that.

**Mr. Wildman:** What is the minister's responsibility?

**Mr. Speaker:** Order.

**Mr. Conway:** Would the Chairman of Management Board not agree with me that it is truly passing strange that the operative word on

compliance with the Manual of Administration that now governs the new behaviour within the government of Ontario is a letter written by the first minister and, according to his secretary, Mr. Carman, written on November 16, the very day that the auditor's damning indictment of the conduct of Alan Gordon on the cases mentioned in the committee was made public? Is that not only passing strange, but perhaps just too much to believe is coincidence?

Interjections.

**Mr. Speaker:** Order.

3:40 p.m.

#### ASSISTANCE TO FARMERS

**Mr. Riddell:** Mr. Speaker, I will put my question to the Treasurer in the absence of the Minister of Agriculture and Food (Mr. Timbrell) and in the absence of the Provincial Secretary for Resources Development (Mr. Sterling). I know the Treasurer is most interested in the concerns of farmers, as he told the Ontario Federation of Agriculture delegates the other day that he was going to pump more money into agriculture.

**Mr. Speaker:** Now for the question.

**Mr. Riddell:** If the Treasurer is going to help the farmers, I wonder whether he is aware that last week Niagara Grain and Feed Ltd., an elevator company in Smithville, went into receivership. Is he aware that up to 100 farmers have money or grain owing to them by this company, with some individual farmers reported to have anywhere from \$40,000 to \$100,000 owing to them? They stand to lose this money.

Because of the lack of protection offered by the Grain Elevator Storage Act to farmers in situations such as this—a point that my colleague the member for Kent-Elgin (Mr. McGuigan) and I brought out when we debated that bill in the Legislature—some farmers are now stuck with worthless cheques and others with receipts for grain that simply does not exist. It is reported that 35 per cent of the grain in storage for the farmers has now left the storage facility and gone elsewhere.

In view of all this, can the Treasurer tell us what recourse is left for the farmers to recover their money and their grain in this case, particularly when we consider that they have very little control over the price structure or anything that happens in the marketplace? How are these farmers going to get their money? Or is it going to be another case of farmers going into bankruptcy?

**Hon. Mr. Grossman:** First, Mr. Speaker, I am glad the honourable member had an opportunity to read the government's reaffirmation of its extraordinary commitment to the agricultural community as outlined first by my colleague the Minister of Agriculture and Food on Tuesday and again by me yesterday.

I should also indicate that having spent the morning here yesterday, it was reported to me that the Minister of Agriculture and Food did a darned site better than the agriculture critic for the Liberal Party last Tuesday at the OFA.

**Hon. Mr. Davis:** That is the report we get.

**Hon. Mr. Grossman:** Then again that is just carrying on—

**Hon. Mr. Davis:** His colleague the member for Renfrew North (Mr. Conway) is laughing because he knows it is true.

**Mr. Speaker:** Back to the question, please.

**Hon. Mr. Grossman:** That is just carrying on an old tradition—

**Hon. Mr. Davis:** You should try it. It would be a new dimension.

**Mr. Kerrio:** Putting boots on Timbrell doesn't make him a farmer.

**Mr. Speaker:** Order.

**Mr. Peterson:** Who's more rural? You or Timbrell?

**Hon. Mr. Davis:** Me.

**Hon. Mr. Grossman:** All of us on this side are in touch with the people no matter where they are located, I can say.

**Mr. Speaker:** Thank you very much, Treasurer.

**Hon. Mr. Grossman:** I have not answered the question yet.

**Mr. Speaker:** The member for Huron-Middlesex (Mr. Riddell); supplementary.

**Hon. Mr. Grossman:** He cannot have a supplementary; I have not answered the question.

**Mr. Speaker:** Order. The member for Kent-Elgin (Mr. McGuigan).

**Mr. McGuigan:** Mr. Speaker, the minister has not answered the question, but would he agree as we pointed out a few months ago that this is show-window legislation, which really does nothing to solve the farmer's problem when he is caught in a bankruptcy?

Will he assure us that the farmers who are affected in this receivership will be paid for their products? Furthermore, what will he do to ensure other elevators that may be in the same category this very day are not taken over by the banks and the farmers again left in the lurch?

What will he do to ensure that payment is made to the farmers and that other elevators do not do the same thing?

**Hon. Mr. Grossman:** We did not get a chance to complete the entire answer.

**Mr. Riddell:** Well, forget it. I pretty well know what to expect from you anyway.

**Mr. Speaker:** Order.

**Hon. Mr. Grossman:** The member did not want the answer; he wanted to ask the question.

**Mr. Riddell:** You are not serious. You do not care about the farmers. Sit down.

**Mr. Speaker:** Order.

**Hon. Mr. Grossman:** I ask the member, is it not the case that the situation is in the hands of the receiver, who is running the affairs of that enterprise in such a way that all those interests would ordinarily be protected? I think it is in the hands of the receiver. If that is the case, then I am sure the receiver under the laws of the province is acting in an appropriate way.

None the less, obviously my colleague the Minister of Agriculture and Food, who is monitoring those situations, even those where the receiver has been put in place, will review that circumstance and satisfy himself with regard to the very concerns the member has raised. This has been the history in the past, and I am sure it is the case in this one.

## PETITION

### CONTEMPT OF COURT ISSUE

**Mr. Rae:** Mr. Speaker, section 40 of the Ministry of Correctional Services Act says: "Nothing in this act shall be construed as affecting or impairing or as intending or purporting to affect or impair the powers of the Governor General of Canada or the Lieutenant Governor of Ontario to grant a reprieve, pardon or commutation of sentence in any case."

I would like to submit the following petition to the Lieutenant Governor and the Legislative Assembly:

"Your Honour, the undersigned members of the Legislative Assembly of Ontario deplore the imprisonment of the complainant by Mr. Justice O'Brien of the Supreme Court of Ontario for contempt of court and urge you to review all possible ways to remedy this injustice and that this conviction be expunged from her record."

It is signed by the members of the New Democratic Party caucus.

## PROVINCIAL AUDITOR'S REPORT

**Mr. Philip:** On a point of privilege, Mr. Speaker: I and other members of the standing committee on public accounts were anxiously awaiting the annual report of the Provincial Auditor this afternoon. When my assistant went to the post office and asked why it was not in my box, she was informed she could not receive it. I then telephoned the post office and was informed that the post office had instructions not to release this report. However, I was able to obtain a copy from the press lounge.

What instructions were issued to the post office, and why did some people have access to the report before other members of the committee and other members of the House were able to have access to this report?

**Mr. Conway:** On the same point, Mr. Speaker: As a sometime member of the standing committee on public accounts, I too was anxiously awaiting the arrival of the report. In my case, it did arrive. Some nice courier brought it in to the leader, but not to the membership at large, which I think might be more useful. However, through our leader, we received a hand-delivered copy around 2:30 p.m.

**Mr. Speaker:** Various members, including the member for Etobicoke (Mr. Philip), have sent me a note drawing this to my attention. I am not sure whether procedure has got out of step or whether somebody put the cart before the horse. However, I will be tabling that report this afternoon at the appropriate time. I want to emphasize that I have not seen the report myself, nor have I issued any instructions as to its distribution.

## REPORT

### STANDING COMMITTEE ON RESOURCES DEVELOPMENT

Mr. Barlow from the standing committee on resources development reported the following resolution:

That supply in the following amounts and to defray the expenses of the Ministry of Natural Resources be granted to Her Majesty for the fiscal year ending March 31, 1984:

Ministry administration program, \$52,365,000; lands and waters program, \$114,855,500; outdoor recreation program, \$74,574,000; resource products program, \$142,010,000; resource experience program, \$9,159,000; and

That supply in the following supplementary amount and to defray the expenses of the Ministry of Natural Resources be granted to Her

Majesty for the fiscal year ending March 31, 1984:

Lands and waters program, \$9,925,000.

3:50 p.m.

## MOTION

### COMMITTEE SITTINGS

Hon. Mr. Wells moved that the standing committee on social development be authorized to meet tomorrow, Friday, December 2, 1983, and in the afternoon of Thursday, December 15, 1983.

Motion agreed to.

## INTRODUCTION OF BILLS

### IMMUNIZATION OF SCHOOL PUPILS AMENDMENT ACT

Hon. Mr. Wells moved, seconded by Hon. Mr. Grossman, first reading of Bill 134, An Act to amend the Immunization of School Pupils Act.

Motion agreed to.

**Hon. Mr. Wells:** Mr. Speaker, as members of this House will recall, the immunization legislation passed a short time ago was designed to protect our school children from the spread of six dangerous diseases. The legislation empowers the medical officer of health to order the suspension from school of pupils who are not immunized or in the process of being immunized, subject to exemptions on religious or medical grounds.

The amendment I am proposing today concerns the appeal mechanism. The current law provides that an order of a medical officer of health may be appealed to the Health Facilities Appeal Board, which has been established under the Ambulance Act. This amendment redesignates the board that will hold the hearings as the Health Protection Appeal Board, to be established under the Health Protection and Promotion Act, 1983. This latter act is to be proclaimed very shortly.

The Health Protection Appeal Board, which will have jurisdiction over other public health matters, is clearly the most appropriate forum for appeals under the immunization statute. Parents will have 15 days to file an appeal. The amendment will require the board to hold a hearing within a further 15 days of receiving such a request. Therefore, hearings will normally be held by the end of the initial suspension period of 20 school days or four weeks.



## MALTON MEMORIAL RECREATION ASSOCIATION ACT

Mr. Robinson moved, on behalf of Mr. Jones, seconded by Mr. Shymko, first reading of Bill Pr30, An Act to revive the Malton Memorial Recreation Association.

Motion agreed to.

## CONSTRUCTION LIEN AMENDMENT ACT

Hon. Mr. McMurtry moved, seconded by Hon. Mr. Wells, first reading of Bill 135, An Act to amend the Construction Lien Act.

Motion agreed to.

**Hon. Mr. McMurtry:** Mr. Speaker, members will recall that on January 27, with the unanimous approval of this assembly, the Construction Lien Act was enacted. It came into force on April 2.

A problem subsequently arose in connection with mortgage loans to home buyers. In part because of confusion by lenders about the new legislation and in part because of the priority given to lien claimants over mortgagees to the extent of deficiencies in the owners' holdbacks, mortgage lenders began withholding from home buyers on closing approximately 10 per cent of the value of the house.

House builders refused to close without receiving full payment. Therefore, as a practical matter, to obtain possession of the house, the home buyer was forced on closing to arrange interim personal financing until the lien period expired. The costs of the additional financing, though small, occurred at a time when a home buyer was ill prepared for the costs or the additional worry.

To avoid harm being done to home buyers and to the residential housing sector, and having been asked to take action by members of each of the political parties represented here, including, I recall, the member for Oshawa (Mr. Breaugh), I made a statement in the Legislature on May 20 to the effect that I intended to introduce amendments to protect home buyers and those lending to them. I also said I intended that the amendments be retroactive to April 2.

In that statement, knowing that the members of this assembly wanted corrective action, I asked the lenders to trust that the amendments would be made and to act on my statement of intent. I am pleased to say that most lenders altered the practice of withholding from home buyers on closing.

The primary purpose of this bill is to amend

the legislation to protect home buyers and those lending to them. In addition, the bill clarifies certain other provisions of the act and corrects a few technical errors.

Drafts of the proposals have been revised by many, and I have received letters acknowledging their approval from the Canadian Bankers' Association, the Council of Ontario Contractors Associations, the Housing and Urban Development Association of Canada, Ontario branch, and a significant number of lawyers involved in conveyance.

## PROVINCIAL JUDGES AND MASTERS STATUTE LAW AMENDMENT ACT

Hon. Mr. McMurtry moved, seconded by Hon. Mr. Wells, first reading of Bill 136, An Act respecting the Benefits of Provincial Judges and Masters.

Motion agreed to.

**Hon. Mr. McMurtry:** Mr. Speaker, this bill is intended to clarify the extent of the power of the Lieutenant Governor in Council to make regulations concerning the benefits of provincial judges. The Ontario Provincial Courts Committee, which makes recommendations concerning judges' benefits, currently has pension and survivor benefits under review. The committee has requested that the regulation-making power be clarified to ensure that the government is able to respond quickly once the committee completes its consideration of the issues and submits specific recommendations.

The bill also provides a statutory foundation for the Ontario Provincial Courts Committee. This represents a commitment on the part of the government to a process that guarantees an independent review of the benefits to which judges are entitled. The bill requires recommendations of the committee and an annual report to be tabled in the assembly. These features of the bill also implement a recommendation of the committee.

**Mr. Speaker:** The member for Essex South.

**Mr. Mancini:** It is helpful if you look at both sides of the House, Mr. Speaker.

**Mr. Speaker:** I always do.

**Mr. Mancini:** Thank you. After you finish that one particular side.

## TOWN OF HARROW ACT

Mr. Mancini moved, seconded by Mr. Ruston, first reading of Bill Pr50, An Act respecting the Town of Harrow.

Motion agreed to.

**Mr. Mancini:** My plurality in Harrow is quite extensive, Mr. Speaker, and I hope the bill will add to it.

**Mr. Speaker:** That sounds like a political statement.

#### PROVINCIAL AUDITOR'S REPORT

**Mr. Speaker:** Before proceeding with the orders of the day, I beg to inform the House that I have received and am laying upon the table the report of the Provincial Auditor for the fiscal year ended March 31, 1983.

4 p.m.

**Mr. Breagh:** Mr. Speaker, on a point of order: I would like to have you take into consideration the fact that members previously raised the matter of the report of the Provincial Auditor and its availability. Would you make a ruling about how some of those reports were available before they were tabled in the Legislature? I know you have been asked to look into the matter of distribution; however, while you have that matter under consideration, would you also take a look at the tradition that documents such as that are not released until they are tabled in the Legislature?

**Mr. Speaker:** I can only say that is not within my jurisdiction. However, I was just as surprised as you. It is my understanding that what you have said is true and I shall endeavour, from a personal point of view, to find out what happened.

#### MOTION TO SET ASIDE ORDINARY BUSINESS

Mr. Mitchell moved, seconded by Mr. MacQuarrie, that pursuant to standing order 34(a), the ordinary business of the House be set aside in order to debate a matter of urgent public importance, namely, the incarceration, on Monday last, of a female complainant of rape, by Mr. Justice O'Brien in Ottawa, Ontario.

**Mr. Speaker:** I shall listen to the member for Carleton for up to five minutes as to why he thinks that the ordinary business of the House should be set aside this afternoon.

**Mr. Mitchell:** Mr. Speaker, I have tabled a motion pursuant to the particular standing order because I can assure you, sir, this matter is of urgent public importance. I have not taken this step without giving the matter due consideration.

No member of any party would wish to delay or obstruct the orderly conduct of the business of this House by introducing a motion on a trivial or frivolous matter. I am confident the

members will agree the questions which have been raised because of the incarceration, last Monday in Ottawa, of a woman complainant of rape are neither frivolous nor trivial.

It is in the interests of the House and the citizens of Ontario that we take this occasion to debate and discuss some of the issues raised by this event. Such a debate would, I hope, help to clarify some of the questions about the administration of justice in this case and perhaps would resolve any misconceptions the public might have about the integrity of the criminal prosecution system in this province.

The issues raised by the case mentioned in the motion extend beyond the case itself. I am convinced this debate is necessary because if our system of justice is to work and to continue to be regarded as an effective and legitimate means of protecting and furthering the public interest, it is essential that it must enjoy the support of the citizens.

There are indications, with which I am sure all members are familiar, that this public support is decaying. People are becoming cynical about the ability of our courts to dispense justice, about the fairness of sentencing and the operation of the parole system. They are frustrated by the long delays and backlog in our courts; they are concerned about the treatment of victims of crime and, on the whole, worried the justice system is no longer capable of doing the job it was established to do.

People who perhaps for the most part do not understand the judicial system are confused and angered by decisions such as the one delivered in the Ottawa case, decisions which on the face of them appear to bring the administration of justice into disrepute. If we do not take every opportunity to discuss these decisions openly, to attempt to explain the actions and workings of our courts, then we can only expect that the public cynicism about our system of justice will continue to grow.

It is imperative that we as legislators do not allow this to happen. We must encourage and participate in open debate on the justice system. We must also be ready to take whatever action is necessary to protect the integrity of that system and of the people who serve it. We must also be ready to make any changes that would improve the administration of justice in our province. I hope this debate will be a first step in that direction.

In closing, I want to make it perfectly clear that in introducing this motion I intend no criticism of the judge involved. The law is the

law and he has served the law. However, his decision has been the cause of considerable public concern, which in my opinion this House must address. I hope all members will support this motion.

**Ms. Copps:** Mr. Speaker, I and my party rise in support of the motion.

First of all, may I say how happy I am that the motion came from two members on the government side of the House, one of whom, the member for Carleton East (Mr. MacQuarrie), is the parliamentary assistant to the Attorney General (Mr. McMurtry). I am happy they have seen fit to recognize the very difficult situation we have seen expressing itself, not only over the last week and not only over the judgement that was exercised but also over the past two years in the life of this woman who now finds herself in jail.

I was particularly distressed and indeed disappointed in the statement we heard from the Attorney General today when, in a very cheap and disgusting way, he pointed out that on the wiretap the victim had received calls about so-called nude dancing. I think that was completely inappropriate. Unfortunately, it is a microcosm of the kind of mentality that has allowed this woman to end up in jail for a crime she did not commit.

It is certainly an indication of the kind of mentality we see when the Attorney General, in the course of debate in this Legislature today, inadvertently called the woman "the defendant." The fact of the matter is that because of the difficulty of the justice system in providing this woman the protection she needs to carry through and the fact that she was found in contempt by the judge, this woman has become the defendant in this case. The whole system has turned its back on this woman and the difficulties she has suffered over the past two years.

It is imperative that we put on the record in this House the series of events that led up to her decision not to testify. I find it particularly disconcerting that in his 26-page statement to the Legislature, in which the Attorney General apparently attempted to put all the facts on the record, he suggested the victim was not the subject of threats but neglected to mention the fact that one of the co-accused in the case—after the woman's testimony at the preliminary hearing and before she was to give her testimony at the trial—was shot and wounded. That same co-accused, in the course of justice, subsequently pleaded guilty to a lesser charge of common assault and was allowed to go free.

It seems to me that what we have to look at is not only the deep injustice that was perpetrated on this woman, who has herself become a victim of our justice system, but also how this situation will impact on women all over this province who find themselves in the difficult position of having to carry through and follow up with the testimony and evidence following a rape.

The crime we are talking about is a crime against society, but it is also a very individual, personalized crime. It is imperative that we recognize that this individual should not be further victimized following the horrendous situation in which she was gang-raped by three individuals.

**4:10 p.m.**

The comments by the honourable member who put the motion are very clear. It is not a question of whether this incident did occur; what is called into question is why our justice system could not have supported this woman through the two years that led up to her refusal to testify and how the crown persisted in the face of evidence that this woman was unprepared to testify out of fear for herself, fear for her family and indeed out of the whole trauma that was evidenced by testimony from the Ottawa Rape Crisis Centre. What is called into question is how this woman can find herself in jail and how the rapists can walk free.

It is that question which has not been answered to our satisfaction by the Attorney General who, in his statement today, attempted to minimize the threat that was faced by that woman, who attempted to minimize the very real fear that she felt—fear for her safety subsequent to the shooting of one of the co-accused and it is this very fear which haunts every woman who has to carry her concerns through the judicial system on a rape case.

When I asked the Attorney General in question period whether he was prepared to convene a think-tank of experts in the field, I was not being facetious and I was not being political. I was joining with some members on the government side of the House and the members of the third party who recognize that this particular incident is not an isolated one. It occurs in many instances in many communities across Ontario. What this situation has done is highlight the need for an overall, long-term strategy which should be initiated at the level of the Attorney General and at the level of the government of Ontario; when instead, we have an Attorney General who simply minimizes her concern and



minimizes the very real fears that she felt which led her to a very difficult decision.

I rise to join with the members on the government side and I am sure we will be able to participate in a very full debate on the subject.

**Mr. Renwick:** Mr. Speaker, I rise to speak briefly in favour of the motion. I support the motion put forward by the member for Carleton, seconded by the member for Carleton East, and to which the member for Carleton has spoken and the member for Hamilton Centre has spoken.

I want to direct my remarks purely and simply to that portion of the rules that indicate that the discussion must relate to a genuine emergency calling for immediate and urgent consideration.

I think the emergency is apparent. A complainant in a case before a court of justice in this province is now in jail and I think the liberty of the subject must be a primary and always a first concern to members of this assembly when there is any semblance whatsoever of improper detention of such a person.

I think that in itself would persuade me, and I submit, sir, should persuade you, that this is a matter of urgent public importance. It is more so a matter of such importance because the Attorney General has very clearly in his statement today and in his comments earlier indicated that there is no basis for him to have dealt otherwise with the question of the contempt and the question of the sentence.

I, sir, believe it is important that members of the assembly, feeling as strongly as they obviously do on this issue, must have an opportunity to place before the Attorney General and their colleagues in the assembly the reasons he should have taken action to release the person imprisoned.

A further matter which I think is of importance to me, indicating the emergent nature of this matter, is that the court gave a very clear single signal in acceding to the citation for contempt and awarding the punishment which the court did award and which has to be debated because it becomes a matter of public policy. The signal was very clear: If women subjected to sexual or other assault find themselves in a position of fear, psychological or otherwise, they run a very severe risk of being imprisoned if they bring forward a complaint against a person who has caused that.

I think it is important that this House, therefore, register its view of what public policy should be on this matter so that, at the earliest possible moment, no false signals be given to the

public of this province or to the other members of the judiciary as to the position which this House takes on a matter not just of legal policy but of important public policy.

It is also very urgent for this House to express its views because the term "contempt of court" which is so compendiously used by people has immense ramifications, and it does mean that a person can go to jail on citation for contempt without a trial of any kind and suffer imprisonment without the kind of due process to which we are entitled.

It is important that this House attempt to make some effort to understand the nature and content of the concept of contempt and the severe limitations that the administration of justice over the years has, in its wisdom, imposed upon itself in the use of that power to find contempt and punish for contempt.

It is my submission that there are very serious questions that the judge aired as a matter of law in the decision he made in this case. It is important, therefore, to me and I believe to other members of the assembly, that this is a matter of urgent public importance and must be debated today in this assembly at the earliest possible opportunity.

**Mr. Speaker:** I have listened carefully to the submissions put forward by members of all parties. Obviously there is a unanimous feeling among the members that this should go forward. The motion is in order and in my view it does represent a matter of urgent public importance. Therefore, the only question before the House is, shall the debate proceed?

Motion agreed to.

#### CONTEMPT OF COURT ISSUE

**Mr. Speaker:** Before you start, I would just point out that you have 10 minutes for your submission.

**Mr. Mitchell:** Mr. Speaker, it is really difficult to know where to begin in the discussions today. First, I want to reiterate what I said earlier in my five minutes. I am not attacking the judge, nor am I in all honesty attacking the chief law officer of the crown, but rather a perception that is happening out there that our justice system is decaying.

My comments relate as much to the degree of public confidence in the justice system as they do to the case in question. I think public concern with the state of the justice system was summed up by a constituent of mine in a letter to me some weeks ago. She was writing to

express her dissatisfaction with the justice system. Her concluding remarks are worthy of note. She said it was her impression that justice had become a victim of the justice system. I suggest to the members the view that justice has become a victim of the justice system is one that is shared by many of our citizens.

I understand a similar view had been expressed by the chairman of the Federal-Provincial Task Force on Justice for Victims of Crime. The chairman of the task force noted last August that Canadians were growing increasingly disillusioned with the justice system in our country.

**4:20 p.m.**

The danger is that decisions such as the one delivered in the case before us will hasten that loss of faith unless they are properly explained to the public. It is important that the public be aware of the reasons for judgement and for the principles which inform of the operation of the criminal justice system.

I am sure the reaction of any citizen upon first reading of this case was one of outrage. That is why this constituent was writing to me. She was writing to me specifically about this case but not of recent days. The date of this letter to me is October 24. The writer had attended some of the preliminary hearings.

I quote from her letter: "Some blame for the refusal of the victim to testify has to be placed on two factors: first, the delay in bringing the case to trial and, second, the apparent inability of the crown to convene a meeting with the victim prior to the hearing." This lady also says that the particular day she was there was in her opinion "a sad day for women, and, as a concerned individual, I wish to express my dissatisfaction with the judicial system."

I think this particular case is an instance in which our system has run amok. Certainly, our reaction has been amplified by the nature of the despicable crime which was alleged to have occurred in this case. I know I personally have a number of questions about this case, questions which I am sure many members have been asking themselves as well. For example, I wanted to know what the crown had done to protect this young woman. I wanted to know about her rights with regard to the law on contempt.

The Attorney General (Mr. McMurtry) in his comprehensive statement earlier today has attempted to answer some of these questions. I say quite honestly that it is clear from his statement that protection was offered by the crown and that the crown did offer assistance with respect to appealing her sentence. It would

appear then from the minister's statement that the crown acted in a fair and sympathetic manner towards this young woman.

All members are aware that only a very small percentage of rapes is ever reported to the police and even a smaller percentage is successfully prosecuted. One reason so few victims of rape come forward is that having suffered a dehumanizing and violent assault, they do not wish to subject themselves to what can be—I really cannot affix a word to it—a traumatic legal process. Perhaps that is the word.

Some progress has been made through legal reform in this area and also social attitudes have changed. No longer is a rape charge regarded as a charge most likely to be laid by a woman who has changed her mind.

As for the question of whether or not the judge should have handed down the sentence he did, I do not think it is the responsibility of this House to second-guess judges. I believe the politicization of our courts is something we must avoid at all cost. If we in this House object to the decisions which result from the application of our laws, then we should change the laws.

Earlier I made mention of the growing disenchantment with our legal and judicial system. There can be no question that part of this problem can be attributed to the treatment of the victims of crime in that system. In no other case, as evidenced by the matter before us today, is the treatment of the victim of crime by our system a more emotional and sensitive issue than in the case of a victim of rape.

As I have said, I am not pointing fingers in any particular direction. Frankly, I guess I do not have the wisdom of Solomon, as I mentioned to the newspapers and all those others when they queried me as to why I was putting this motion forward. I am a husband and a father, three of my children being girls. Should something such as this have happened to any one of them, either my wife or my daughters, I am not too sure that I, as a father, would necessarily support their even coming forward and laying a charge. I know those are harsh words; none the less, it is the way I feel.

This particular case is not one which has appeared on the scene since the incarceration of the young lady. This case has been going on for quite some time. It has been a major issue in the newspaper in Ottawa for quite some time. In fact, I had a telephone call today from a teacher in Haliburton expressing her concern about



what is going on and supporting the move I am taking.

There is a very grave perception out there of the judicial system. Some way has got to be found to improve on that. We have people in our ridings who are concerned about the type of sentence given down for specific cases and who contact us as members. People see this one and wonder where the justice is.

I guess what I am attempting to express to each and every one of us here today, along with drawing to the attention of those with power to change the laws and make the laws, is not only the concern of my constituents out there about this particular case but also the more personal concern I have, namely, would I let my family go through that process?

**Mr. Peterson:** Mr. Speaker, I am happy to rise and talk about this situation. I find that it not only deeply personally disturbs me, but it is so bizarre in so many ways. For example, it is the first time I remember that a government back-bencher has proposed an emergency debate. I am not against that. I find it interesting that one of the seconders on the motion is the parliamentary assistant to the Attorney General. That is bizarre.

I tried to determine from my colleague the member for Carleton (Mr. Mitchell) the sense of urgency about this debate today. I could not find it from his remarks particularly, even though I and my party—and I am speaking for my party—welcome the opportunity to talk about it.

We have an actually incredible situation in front of us where, when one cuts it all down—all the legalese, all the rationalization, through all the precedent books and through all of the Mr. Justices this, that and the other thing—we have a case, in my view, of simple justice. It is a case where the victim has been incarcerated and where the alleged rapists have gone free.

I recognize there are legal complications. I was a lawyer once. I can understand that and I know what the precedent books say. However, I also know that institutions were put here on earth by man to serve man. If we get into the perverted sense where now—for some ridiculous reason, precedent or whatever—we have to sacrifice a young lady to serve the precedent books or serve the justice system only because it is there, then I say to the House we are all derelict in our responsibility.

It is an opportunity to discuss the decaying judicial system, the lack of respect which per-haps is developing, as spoken to by my friend

the member for Carleton. Surely to God we have some responsibility in that diminution of respect by allowing this kind of flagrant injustice to go on right under our noses and not responding.

4:30 p.m.

It seems to me the example we set, the signals that go forward from us in this Legislature as well as from the courts, are key in this matter. Contrary to my friend the member for Carleton, I believe we do have a right—and I would agree, I think, with my friend the member for Riverdale (Mr. Renwick)—in this House to assess any judge and pass judgement on any judgement made, because we are charged with being the lawmakers of the land and we have failed in this case.

I believe Mr. Justice O'Brien could have come to an opposite conclusion within the precedents of the law. He exercised his discretion and, in my view, he was wrong. He has sent out the wrong signals and has not served this province well. I do not like to say that, but that is my view of the situation and it is my right as a lawmaker to make that judgement, as my friend the member for Riverdale will agree.

I am obliged to talk about the roles played by people in this House as well as their various emissaries. I believe the Attorney General was fundamentally wrong in this case. I remind you, Mr. Speaker, that it was the crown attorney who moved for contempt. It was not brought on by the judge. The judge did not take that discretion on himself and he could have. It was on the invitation of the crown attorney in that case. Even though he did not argue for incarceration, he prompted the order, the citation for contempt.

That occurred on November 21. I am sure the Attorney General knew about it. When the judgement was made on November 28, he could have intervened. He could have retracted that request in that period. As my friend the member for Carleton said, there was a great deal of publicity about this case for a long period of time. My esteemed colleague the member for Hamilton Centre (Ms. Copps) has been very involved from the beginning, having recognized the difficulty. I believe the Attorney General was wrong.

In the House today, in response to a question of mine, "Do you believe she should have been jailed?" he said no, he agreed with his crown attorney. Then why did he not take the opportunity, immediately upon hearing of the contempt order and the order for incarceration, to use the powers he has, along with the Minister of



Correctional Services (Mr. Leluk), at least to rectify that injustice and have her paroled immediately?

Surely that would have shown a caring system, an Attorney General who is not prepared to see this stain on our precedent books. Even if one could make a legal argument, as understandably one can, that she should be cited for contempt, she would not have to have the added indignity of a week in jail. I am not trying to be overly partisan, but I do so fundamentally disagree with the way the Attorney General handled this matter, I have to bring this matter forward for the consideration of my colleagues in the House.

Let me try to give the members a little different perspective on the chronology. A variety of colleagues has been in close touch with the people involved in this case. It is, like many other cases, inordinately complex. The chronology as I read it, as presented by the Attorney General, in my view did not fairly represent all the aspects of this case. There were some very unfortunate gratuitous remarks about the phone call in there, and I mentioned that earlier. I think that paints a different picture than we would want to paint when we are trying to figure out this situation objectively.

Let us be realistic. What we are dealing with, the alleged rapists in this case, is members of an outlaw motorcycle gang. I do not know about the members, but when I am driving down the highway and see five or 10 of those guys on their motorcycles coming towards me, the flesh just starts to crawl up my back, and I am inside my car. There is nobody in this room who would not be intimidated by one or two or three of them.

Let us remind ourselves about the alleged facts of the case. They came in and repeatedly raped this young lady and a young man who was there, a young man who has disappeared. We are not dealing with the Boy Scouts of America. There were three different charges. One pleaded guilty to an assault charge and one of them was shot in the middle of all this. This young lady was not unfamiliar with that kind of a life, but that is relevant only in saying that her perception of potential harm to herself was not ill-founded.

It is not a question that the police could not tap three or four threatening phone calls and say, "Gee, we have no proof you are being intimidated." Surely, as sensitive members, we all know the kind of intimidation and trauma she went through.

It is common knowledge that the police

obviously wanted to prosecute that motorcycle gang, and justifiably, but she became the pawn in the middle. She was, on the one hand, necessary to a successful conviction, receiving, shall we say, pressure. I am not suggesting in any way that it was undue or unfair, but obviously she was fundamental to the police case. On the other hand, she knew the habits and the predisposition of this group and she was caught in the middle alone. Thank God for the Rape Crisis Centre, because she had a little bit of support from Cindy Moriarty and some of her people, but it was her only friend in the world.

She came down to a judgement. Maybe members disagree or maybe they agree. I do not think that is the point. I think we all can understand the difficulty of her position.

Now she is in jail. Now we have sent signals to other young ladies in similar situations that they cannot count on the sympathy and the humanity of the justice system because they too, through no fault of their own, can become other victims. That is where we have all failed. The system has failed.

As my colleague the member for Carleton says, if the system fails us, it is our responsibility to change it. I wish the Attorney General today, right now, within the next two minutes would phone the parole board and get her out of jail, at least to send out a signal that he as the Attorney General and we as legislators disagree with the incarceration. He has that power. I recognize that she will probably be out tomorrow anyway, but at least that would be an important step.

People are watching this case. Members know the attention that is being received by the member for Carleton. All of us have been involved in this situation. But it stands as it does. It is a complicated case, but an important symbolic case and, like it or not, we have to respond as legislators. I would call on the Attorney General to do that. I would call on other judges viewing this situation in the future never to allow those kinds of signals to go forward.

**The Deputy Speaker:** The member's time has expired.

**Mr. Peterson:** Mr. Speaker, I wish I had more time; my colleagues will speak at further length. I feel so terribly strongly about this. I am glad it came forward and I hope this will be the beginning of a number of discussions on this issue.

**Mr. Renwick:** Mr. Speaker, I do want to speak on this matter with as much coolness and

articulateness as is possible for me in a situation about which I feel very deeply. Questions of liberty are the subject that, for all sorts of reasons, has led me to be a person who feels so strongly and warmly or deeply about them that I sometimes have difficulty in marshalling my arguments.

I was struck by a comment about public policy as it appears in the case to which I referred earlier this afternoon, where it states, as in so many other matters, that strong feelings are based on one's general experience rather than on specific reasons, and it often requires an effort to marshal one's reasons. But public policy is generally the result of strong feelings commonly held rather than of cold argument.

I think that is exactly the position we are engaged in this afternoon, and I hope the debate in this assembly will formulate the public policy that will be respected in the administration of justice as a result of this case.

I am upset that the actual imprisonment of the person involved in this case, the complainant, the innocent party, was not relieved last Monday when, in my view, the incarceration was not the proper way in which the judge should have dealt with that case. In a minute or two I want to deal with that matter.

I am anxious and pleased we are having this debate because I was concerned that by tomorrow, as I understand it, the complainant would be released and I thought it would pass into history and there would be no strong registration of our feeling in this assembly about what was wrong and what caused the member who introduced the motion and others who have spoken in this House to realize the importance of the issue in front of us.

**4:40 p.m.**

Very briefly and without repetition, I want to talk about two or three documents that are important in the case. I am dealing strictly with the question of contempt and the question of the punishment. I do not pretend to be an expert on all the long, drawn-out ramifications of the trial. That can be dealt with on another occasion, and must be dealt with, because obviously there were serious problems in the way that case was handled from beginning to end.

Strictly on the question of the liberty of the subject, I draw attention to section 7 of the Charter of Rights, which I referred to in question period last Tuesday. I also draw attention to section 10 of the Charter of Rights, which is the governing law of the province and the country and to which the Criminal Code, the

administration of justice and the judges must give way.

I am not going to repeat those sections. They are available to all of us. I want to draw to the attention of the House a document which many people do not realize exists. Tucked away in volume 9 of the Revised Statutes of Ontario, as it has been for many years, is a reproduction of chapter 322 of the revised statutes of 1897 which is part of the law of Ontario but is not consolidated. It is entitled *An Act respecting Certain Rights and Liberties of the People*.

It recites as part of the law of the province the *Magna Carta*. Again, it is available to anybody who wants to look it up in volume 9 of the revised statutes. It deals with the questions of the King's justice and the King's responsibility to see that justice is done. The Attorney General, whether or not he likes it, is, in language that has been used on other occasions, the fountain of justice; he is responsible for the administration of that justice. In this case, he did not take the course that was open to him. Let me make the distinction before the time runs out.

There are two questions which anyone must ask in matters related to these issues. Those two questions must be put very clearly. First, was there any contempt at all? Second, was it sufficiently serious to require or justify the court in making an order against the respondent? I take issue with the Attorney General. I am prepared to accept that one could put a citation for contempt to the court in a situation such as this because of the one principle of public policy which is at the core of the defence of the Attorney General. But when his agent did so and therefore foreclosed the Attorney General from arguing the question of the contempt citation in any appeal proceeding, at least he could have dealt with the question of sentence.

The Attorney General's agent spoke against the sentence, defence counsel spoke against the sentence, and he has the right under the Criminal Code, let alone the supporting arguments of the overriding right of the charter, to deal with questions of liberty of the subject and the writ of habeas corpus, to argue the case. He could have appealed the sentence.

There is ample indication in the matters before us that the judge erred in law in the way in which he dealt with this case. I quote from *Halsbury's Laws of England*, fourth edition, volume 9, page 60:

"In deciding whether a contempt is serious enough to merit imprisonment, the court will take into account the likelihood of interference

with the administration of justice and the culpability of the offender. The intention with which the act complained of is done is a material factor in determining what punishment, if any, is appropriate."

In my view, a supportable view which makes me believe the imprisonment of that person was unlawful is that the judge erred in law with respect to his failure to take into consideration the reasons a sentence of imprisonment should not have been passed. One of the signals he has issued to the public is that there is a strict rule of liability on contempt. The reason for the contempt or the conduct that is labelled contempt is irrelevant. That is known as the strict rule of liability. There is no supporting law anywhere that allows the court to have that view of contempt. One need only refer very briefly to any number of cases in the courts.

On the other hand, when one is considering the nature of the penalty, one must consider the personal culpability of the person. In this instance, the court has come to the conclusion that it is quite unnecessary to impose a sentence of imprisonment or, in the circumstances of this case, any penalty whatsoever. Those are matters which were obviously not of concern to the court in its considerations related to this question.

Having dealt with two or three requirements of a case that was before him in the courts in England, Lord Justice Donovan went on to say:

"Over and above these two requirements, there may be other considerations impossible to define in advance but arising out of the infinite variety of fact and circumstances that a court encounters which may lead a judge to conclude that more harm than good would result from punishing a refusal to answer."

For these reasons, I think it would be wrong to hold that a judge is tied hand and foot in such a case as the present one and must always punish a refusal to answer a question. The courts have been very careful to indicate that the discretion they have inherited as part of their inherent authority is a discretion that must be exercised with immense care. It is my submission that this kind of care was not exercised. There was not a proper presentation to the court of the factors that must be involved before there is any conclusion by anyone that a contempt has been committed or that the punishment should be awarded.

In my view, the Attorney General should have appealed immediately; he should have moved by way of habeas corpus to produce the body of the person. The Attorney General says

in substance that there is no basis for an appeal. I say with great respect that he is wrong. He says in substance that he had no process by which he could appeal. I say again, with great respect, he is wrong. He could have appealed. He also could have moved expeditiously to have that person released until the issue of the lawfulness of that imprisonment and the degree and duration of that imprisonment were properly tested in the court.

For that reason, it is important that this assembly give a very clear indication, by the depth of its feeling, of the kind of public policies that should be reflected in the administration of justice in cases such as these.

4:50 p.m.

**Mr. MacQuarrie:** Mr. Speaker, I am pleased to be able to participate in this debate. I am particularly pleased to have heard the member for Riverdale refer to the two aspects of contempt, one being culpability and the other being the interference with the course of justice.

In this particular case in Ottawa—and I do not want to dwell on it at any length—we had a material witness who refused to answer. In our society, the rule of law still prevails. The Attorney General gave a full and detailed account today of everything that transpired in that matter.

The main question we should try to look at as constructively as possible today is the position of a victim of rape or sexual assault in our justice system, how that position can be improved and how complainants can be encouraged to come forward.

As one who many years ago had some professional experience in these matters, I find that rape and sexual assault have a tremendous traumatic effect on the victim, both the occurrence itself and the prospect of going into a court of law as a complainant. Something must be done to change that approach and give such persons some encouragement to come forward, as has been said by the member for Hamilton Centre.

Out of all the complaints of sexual assault or rape, very few come to prosecution, and the Attorney General really has been doing quite a bit in this respect. It is my submission that more could be done.

One of the things that was done in the late 1970s was to assign a particular crown attorney to every case of sexual assault or rape so the complainant would not be handed around from crown counsel to crown counsel.

Another instruction that went forward to



crown attorneys emphasized the paramountcy of the protection of women and indicated that maximum penalties should be sought in cases of sexual abuse or rape and particularly heavy penalties when weapons of one sort or another were used.

I have been advised that the crown attorney's office has made members available to speak to local rape crisis centres.

One unfortunate incident happened some time ago when a hospital turned away a rape victim with regard to the required forensic rape examination. The Attorney General immediately directed that a review of that incident be carried out and then that steps be taken that it not be repeated. The problem does not appear to be widespread and the senior criminal law advisers are in the process of making proposals to the cabinet committee on justice so that situation will never recur.

With respect to forensic examinations of rape victims, the Ministry of the Attorney General in consultation with other ministries has come forward with a forensic rape examination kit to facilitate examinations. It is my understanding that this has been well accepted and is regarded as a model.

Funding has been provided to the rape crisis centres. The Attorney General's ministry, in pressing the federal authorities, has ensured that amendments be made to the Criminal Code with respect to evidence adduced at rape trials and with respect to the cross-examination on a complainant of her past life and her associations. As you know, Mr. Speaker, consent is one of the major defences in this type of offence, and this tends very much to limit the range of cross-examination normally available in a criminal trial.

To my mind, changes have to be carried out. First of all, cases of sexual assault have to be expedited as priority items. On any trial lists, cases should be bumped and these cases should assume priority.

Another thing, which I recognize is a federal matter, is that the Criminal Code should be changed to create an offence which would restrain an accused from communicating either directly or indirectly with a complainant. I realize this is sometimes a term of bail and technically could fall under the obstruction of justice provisions in the code, but if we made this a specific offence, with a fairly stiff penalty, I think the prospects of instilling a certain amount of fear of retaliation in a complainant would be substantially eliminated.

I look forward to other members coming forward with other suggestions, because I think the time is right that suggestions for improvements in this particularly difficult area of the law should be made.

**Ms. Copps:** Mr. Speaker, just for the clarification of the debate and for the edification of those who have not been involved in the incident for a very long time, I would like to review, with your permission, the sequence of events as they are known to us in order that we might shed some light on the decision that was made by the victim not to proceed to trial.

The rape incident occurred on January 21, 1982. As was stated by other individuals, the individual in question was babysitting with a young man. They were both repeatedly raped by three individuals who came to the home while they were babysitting. Threatening phone calls to the victim began in February 1982.

November 23, 1982, was the date of the preliminary inquiry of Wayne Carson, one of the three who had been called to appear on the basis of the rape, at which the victim testified. Carson was committed to trial on the charge.

On December 23, 1982, another co-accused, David White, was apprehended. On December 29, 1982, David White was released on bail. I think this is a very critical point. Between this time and March 1983 the co-accused Brian Laguff is shot and wounded. The suspicion—and I repeat it is a suspicion—is that he was shot by a member of the Outlaws because he gave police information as to the whereabouts of co-accused David White. No doubt the House will know that David White was at large and it was not until December 23, 1982, that David White was apprehended.

On March 8, 1983, Brian Laguff pleaded guilty to a lesser charge of common assault. Again there has been a discussion that the White sentence and the charge were parts of a bargain for information leading to the apprehension of one of the co-accused, specifically Mr. White.

This, I must stress, marked the turning point for the victim. She then communicated her reluctance to testify at White's preliminary hearing. To set the record straight and to clarify, her reluctance to testify came about directly as a result of a series of events which included one of the co-accuseds being shot, that same co-accused being found guilty of a lesser charge of common assault and basically the suspicion that the lesser charge of common assault came about as a result of a deal that was

made between the crown and the co-accused to determine the identity of the third co-accused.

The preliminary hearing of White, on May 5 and 6, was adjourned pending the outcome of an application in the Supreme Court. Then there was an application to quash the subpoena. They were set aside.

Carson's trial resumed on June 6, 1983, but it was adjourned to November 21.

On October 20, 1983, the White preliminary hearing resumed. The victim refused to testify and the charges were withdrawn.

#### 5 p.m.

It was at this stage, in October 1983, fully a year and a half after the alleged rape took place, that protection for the victim was loosely discussed. The crown said at that time he would have to check with authorities in Toronto to be able to make any kind of protection available. However, after charges against White were withdrawn, the victim and counsel felt a similar disposition would result in the Carson trial and the matter of protection was not pursued.

It is important to stress that in the intervening year and a half the victim lived in fear. This was communicated to the police as early as February and communicated to the Attorney General in this House as of last June and July. The issue of police protection did not come up until October 1983. I am curious as to why in his statement in the House today the Attorney General talked about protection but did not leave us with many details.

We know that on November 21 the Carson trial resumed, the victim refused to be sworn, the victim was cited for contempt and the hearing on the citation for contempt occurred on November 28, when the victim was sentenced to seven days.

This issue, which has troubled members on both sides of the House, has to be addressed today. I am glad the Attorney General was here for part of the discussion. Although the victim is going to be released from prison tomorrow, it is incumbent upon us as a Legislature, and it is incumbent upon the Attorney General and the Minister of Correctional Services to make haste today to call a parole hearing so that this individual may be freed at least one day short of the sentence she would have completed tomorrow.

This would send a message to those people across this province who are expressing serious concerns and asking very real questions about a justice system which, apparently in pursuit of justice for all, has sentenced a victim who has

had the courage to report a complaint and has subsequently undergone serious reservations because of, among other things, the shooting of one of the co-accused.

It is important that these people across this province recognize that our administration of justice has taken into consideration the difficulties faced by this victim and that we as a Legislature and as a government do not want to be party to further victimization.

The contempt issue and the other avenues vis-à-vis the Charter of Rights and Freedoms have been well outlined by my leader and by the member for Riverdale. If there is a message that can be sent to the people of this province, it is in the hands of the Minister of Correctional Services and the Attorney General today to take quick steps to make sure that this woman does not spend another night in jail.

It is clear to all of us that this is a very complex issue and that is why I ask the minister in the House today to convene a think-tank of experts in the field, including experts from his ministry, from the justice system, from the police and from those people working in the area of rape crisis.

Frankly, I felt the minister's response, "We are constantly in review," was not sufficient. We are talking about special and extenuating circumstances. If this horrible incident has served to outline one thing, it is that the victims across this province are not getting the kind of protection they feel would allow them to carry through the decisions involved in coming to the authorities on the issue of rape crisis.

The minister has a responsibility to the people of this province to make this committee his top priority so that we can get together the best brains in the province. I am not talking about only those who are working in the judicial system, but in particular those people who are counselling in rape crisis on a regular basis, including the executive director of the Ottawa Rape Crisis Centre and others across the province who have been involved on a daily basis in counselling—in her particular case, more than 1,000 rape victims.

The minister must do those two things and achieve those two aims: first, early release of the victim and, second, the immediate convening of an apolitical, independent think-tank that will bring together the best minds of this province to deal with the very difficult issue of what happened in those intervening two years from the time of the original rape to the actual contempt citation. What happened in almost two years



which left the victim in the very difficult position that she was so fearful of bringing forth testimony that she chose jail rather than coming forth with testimony?

We put her in that position. It was the justice system which put her in that position. I ask the Attorney General to consider immediately convening the kind of high-level think-tank which would begin to address these issues. We know the Ottawa situation is not an isolated incident. We know that, depending upon which statistics are used, only one in 10 women—or only one in 17, according to the Winnipeg study—reports her rape to the authorities.

This is a situation which has to be rectified. The Attorney General is in a position to do that. I would urge him to secure her freedom immediately by using available methods of which he certainly is fully apprised. Second, I would urge him to convene immediately a high-level discussion group to take a long-term look at the strategies and at the difficulties which face victims across this province, one of whom has been further victimized by our inability to act.

**Ms. Bryden:** Mr. Speaker, I think this deplorable action of jailing a victim of rape for refusing to testify shows an appalling misunderstanding of the effects of rape on women and how traumatic the experience is. It is a very personal attack on the human person. It is often associated with violence and with the use of drugs which may make the attacker particularly violent.

Also, it is often associated with fear of reprisal and fear of what has happened to other women who were raped and subsequently murdered. This kind of trauma is very different from the ordinary anxiety of a person facing a court case. Therefore, I think it calls for a very special consideration of the procedures.

I think this action has highlighted the need for an overhaul of our court system. It has highlighted the need for a review of our procedures.

In considering new ways of dealing with this kind of crime, I think we have to go back to fundamental principles. The first principle is that our justice system must be fair to both victim and accused. Second, however, our justice system must be fair in all aspects: trial procedures, the collection of evidence, the role of the crown attorney, sentencing procedures, and so on.

If our court system puts any person in a disadvantaged position because of the special circumstances of a particular kind of crime, then I submit that our court system must be modified to remove that disadvantaged posi-

tion. If the deprivation of liberty is at stake, all the more reason to consider whether the present procedures are fair and whether due process has been observed in this kind of crime.

This is why I call on the Attorney General to appoint immediately not just a high-level committee, an internal committee, but to appoint an all-party committee of this Legislature to review this case and the handling of other rape cases in this province. The committee should consider the way in which the shortcomings of the court system work against justice to victims of rape. The long delays, the postponements and the lack of understanding of the process by the victim are part of the shortcomings which must be overcome.

**5:10 p.m.**

However, there is another shortcoming: the lack of knowledge of this kind of crime and its effect on the victims. I read recently that a handicapped person was required to go through a four-hour lie detection session before the crown would accept her claim that a rape had occurred. This is the sort of thing that is completely unacceptable. Putting that kind of person through that kind of test indicates a lack of understanding.

The trial also highlights the need of rape victims for support in advocacy services. The rape crisis centres are attempting to provide this, but we do not have them in all areas of the province and they are mainly manned by volunteers.

The government's assistance to them came this year only after a great deal of pressure from people in this party and from women's groups. What we got was \$200,000 for this year for rape crisis centres which belong to the Ontario Coalition of Rape Crisis Centres. For a variety of reasons, not all rape crisis centres belong to this coalition and presumably they are getting no assistance at all. This is promised for only three years, whereas there should be funding that will encourage the establishment of rape crisis centres in all sections of this province and a long-term funding program which would leave the centres free from having to spend half their time in fund raising.

One of the problems with the lack of recognition of rape crisis centres by the government is that the testimony of counsellors from the rape crisis centres is often not accepted by the courts with any particular degree of consideration because they consider that the people testifying are not professionals. They probably know far more about how the victims regard this crime



and the kind of anxiety and trauma they are suffering, but, partly because they are mainly volunteers, they are not considered professionals. There are some very highly qualified volunteers and there are some people who are very experienced in providing the support services for the victim. But that is an area where we also need government action.

The main reason we need special treatment and special court procedures in this area is the fear of reprisal. I do not think there is any other area where the victim of crime fears reprisal as much as in the case of rape, particularly gang rape. Because of that very high degree of fear, the figures are that only one in 17 reports these crimes. There will be no greater deterrent to the reporting of crime than further action of the sort that has been done this last week in the jailing of this woman who, quite genuinely and honestly, was concerned about reprisals and who did not feel she was being offered sufficient protection against possible reprisals.

In fact, the Ottawa Rape Crisis Centre tells us that she called a total of 85 times over a period of three months to consult, sometimes more than once a day, regarding her concern about testifying in the preliminary hearing. She had, as we all know, agreed to testify in an earlier hearing, but she had a period of over a year in which she changed her mind. I think that was mainly due to the realization that her attackers were still in the community—or she felt they were—and that there was still a danger of reprisals. Therefore, she had a particular degree of anxiety that should have been recognized by the judge and the crown attorney, and the kind of action taken should not have been taken in this sort of crime.

I think we have to realize also that one of the other reasons for women not coming forward is part of the system as well. It is the same as the way hospitals treat victims who report a rape by giving them a low priority in the emergency ward, or by doctors saying it takes too much time to use the kit that the member opposite mentioned had been developed.

I understand the use of the kit takes about an hour. Some doctors are afraid they might be called as witnesses so they do not co-operate for that reason. We have to correct all those areas as well. We also have to educate the crown attorneys to give more attention to a victim of this kind because a lot of them treat it very quickly and do not interview the victim sufficiently beforehand.

All of those barriers to the reporting of the

crime have to be overcome. This is one of the greatest barriers that has been thrown up at the present time, which certainly must be removed.

**Hon. Ms. Fish:** Mr. Speaker, I join this debate today with a feeling of considerable anger as well as deep regret that it is even necessary for us to have a debate on this subject today in Ontario. I do that because concerns about violence against women are not new in our society, but they also are not new before all of us in our individual capacities as legislators or as citizens of this province.

As recently as a few short months ago, I sat with colleagues in a series of hearings that dealt with violence in the family. Key and foremost in that discussion was violence against women.

I participated in an informal way, because I was not a formal member, in the work of the Task Force on Public Violence Against Women and Children, established and chaired by Jane Pepino, a commissioner with the Metropolitan Board of Commissioners of Police.

I have been with women of all ages in this city who have stood up to be counted in public after the tragic, violent crime and sex murder of Barbara Schlifer in April 1980; of a similar circumstance of a violent sex crime leading to the death of Jenny Isford in May 1982 and, most recently, Christine Prins in June 1982.

On the streets then women said, "Take back the night," because it is not tolerable in our society that women should walk in fear and that a perception be left abroad that indeed the streets are not safe and that our women cannot go out.

I do not hesitate in rising and expressing a very strong difference of opinion with the judgement that led to the jailing of this woman in Ottawa.

One of the key findings at the top of the list of the criminal justice committee, in the preliminary report of the task force I referred to—found on page 65 in the event that anyone happens to have a copy here—reads, "The committee believes that the prompt reporting of criminal offences by the victim is one of the most important factors in deterring public violence."

**5:20 p.m.**

I would be inclined to agree and I believe everyone who is involved with our criminal justice system would be inclined to agree because the reporting is the very first step. It is particularly the first step in matters of violent sexual crimes.

I note that crimes that are reported are not

always the same following investigation as crimes that are, I think the term is, deemed to be founded by the police. They are not necessarily all the same as cases in which charges would be laid. But they are the first step in what is a long and difficult process for the victim who comes forward in reporting. It is a long and difficult process most particularly where the investigation deems the case to be founded, where charges are laid and where the matter proceeds through the various court levels.

I am concerned because a failure of women to come forward and report has been identified as one of the chief problems in this area. I would like to quote the findings of that committee, which I quoted earlier. They list five reasons for the common failure to report violent sexual crime in our society.

The first is a fear of publicity; second, a fear of not being believed; third, a fear of the court ordeal; fourth, a fear of reprisals by the victim's assailant; and, fifth, a belief the offender will in most cases be acquitted.

We have worked in a number of ways in our society to try to put these fears to rest, but I do not think we have done enough. I also do not hesitate to join with those in other areas of the law who speak out when they feel the pattern of conviction and sentencing has been inadequate for the crimes that have been brought before the court. I note in fiscal 1982-83 that of the 327 convictions of violent sexual offences in this province, some 220 were sentenced to less than two years. Statistics such as these do not encourage victims of violent sexual crime to come forward and report in the first place.

Let me add a particular concern in work I have done over the years, culminating in work that I do now as the Minister of Citizenship and Culture. That concern is to deal as well with the women and girls in our society who come from other cultures, who are newcomers here, who perhaps, in addition to many other adjustments, do not have facility in our languages.

They are young girls and women who are adjusting to a society and making use of our newcomers' services and orientation, our language classes, our community information centres which we fund and various other counselling and assistance services. Often they come with less education and with less confidence in standing up, speaking out and making use of the forms of protection and the patterns of authority in this society.

One of the key things we do when we are reaching out through Welcome House and

working through the immigrant aid service OCASI, the Ontario Council of Agencies Serving Immigrants, and so forth across this province, is to break down that hesitancy, to work with people and let them understand there are different ways of doing things here. One of the key difficulties we find is in encouraging all our people to make use of the services, to avail themselves of the protections found in our society.

I return to the fundamental concern expressed by the committee of the metropolitan task force dealing with violent crime, and that was failure to report. I look at the variety of reasons a woman or a young girl might fear the process of contacting authority and the initial reporting so fundamental to initiating the entire process that results in a cleaning up within the society of those who would perpetrate such crimes. I read down the list once again: fear of publicity, fear of not being believed, fear of the court ordeal, fear of reprisals by the victim's assailant and belief that the offender will in most cases be acquitted. I do not want added to that list, in Metropolitan Toronto or in Ontario, fear of being jailed.

**Mr. Wrye:** Mr. Speaker, I rise to make a few remarks in this case, one which has obviously moved a lot of members of this Legislature from all parties. It is a case which, in many ways up to now, has been a single and signal failure on the part of all of us to understand and play our part in ensuring that we move forward in dealing with the very vicious crime of rape in a sensitive and meaningful way, so that ultimately we can begin not only to deal more appropriately with this crime, but over time to reduce its occurrence.

My leader said in the House today that what was most disturbing and distressing about the case of this woman who sits in jail at this hour was the signals sent out. The signals that have been sent out to society at large, to men and women, have shown us as being of no help to the victim, no help to society, no help to the women in our society, and indeed a hindrance and a harm.

I appreciated the remarks of the Minister of Citizenship and Culture (Ms. Fish) which preceded mine because she spoke of some of the gains we have made over the years, gains which I fear will be lost by this one single action of Mr. Justice O'Brien.

Over the last few years we have moved ahead in understanding that this particularly vicious crime is a very personalized crime in the truest sense of the word. It is a crime against the very



physical being of a person. We have attempted to put into place systems within our courts, our police and outside through various rape crisis centres to show the women of this province that we as legislators, as law enforcement officers and as people involved in the administration of justice can become sensitized to it and that women need not fear to come forward out of fear of publicity, fear of not being believed, fear of the courts, fear of reprisals and, ultimately, fear of the defendant being acquitted, as my colleague, the member for St. George, pointed out.

Yet, with one stroke, we have set back all the good work we have done in the last five to 10 years. It has been brought forward in the last two days, since this issue had come before the Legislature, that even with the progress we have made—and we had made some progress—no more than one in eight, one in nine or perhaps as few as one in 10 of those victims of rape still feel they will get sensitive enough treatment that they will come forward.

**5:30 p.m.**

We have now laid before them the possibility that we have added a new dimension to their fear and their trauma. If at some point in the judicial process they feel, for any number of reasons, because of fear of reprisals or because the event is so personally traumatic—perhaps for that reason alone—they cannot withstand the months of personal agony before the courts and waiting for the courts to act, if they fear they can no longer go forward, they are now faced with the possibility that because of that fear they may go to jail. The victim becomes the defendant.

I have listened to the debate, to my colleague the member for Hamilton Centre and to others and I guess in some way I do not really have a grasp of the enormity of this crime because I am a male and I really do not have a grasp of the kind of trauma, of the rape, of the aftermath, of dealing with one's friends and family in this situation after having come forward and then having on top of that the fear of retaliation.

We have now laid a new fear, a new trauma, in front of those who will be perhaps raped this very evening, and that is the fear that, having come forward, and then at some point feeling they can no longer go ahead, the fear they may go to jail.

I think it is important—and I do not wish to be partisan because this is not a partisan issue—to review in some brief way some of the things that were said by the Attorney General in his statement today and some of the things that

were not said so that we have an understanding and a grasp of what went through the mind of this woman in finally refusing to press forward in this case.

I might note that the Attorney General himself pointed out that it was not until October 20 of this year that the complainant and her lawyer, a rape crisis centre worker, met with Mr. Cassells on the kinds of threats or fears of retaliation, whether they were threats by word or simply a fear of retaliation brought out by some of the side circumstances that had occurred. It was not until October 20, long after this woman had indicated her fear of proceeding any further, that she was brought to a meeting and offered the protection of society if she were to go forward.

It seems to me that was far too late. At that point, the woman had made a fundamental decision that she could not, for whatever reason, go forward. I think it would have been appropriate for the Attorney General in his long statement today—a statement that ran to some 24 pages—to have talked about the other victim of this brutal rape, not by one individual but by three individuals whose societal backgrounds are the nature of their membership in the Outlaw motorcycle gang and obviously open to the suggestion that they are not, as my leader said, the Boy Scouts of our society.

I think it would have been useful for the Attorney General to have pointed out that there was a shooting as a side incident to this whole, long chronology of events in a very real way. The shooting incident appears to have been the breaking point for the victim of this rape, because it was the shooting incident, I guess, that made it clear in her mind that there was a very real threat to her being, a threat much deeper than rape, a threat to her very life perhaps.

This woman said, "I can go no further. I fear for myself. I fear for my family." She indicated to the crown that she would not be prepared to move forward and testify. It is very clear to us, or ought to be, that she felt strongly enough to bring this matter to the attention of the police originally and through that action to the crown. There must have been a very important change in her mental attitude which forced her, obviously reluctantly, to withdraw from her desire to have justice done.

Again, I go back to the point that this is a very personal act of violence against an individual. Her decision to withdraw her support was also a very personal act and should have been viewed



that way. I cannot tell the Attorney General how distressed I am to know it was the law officers of the crown who pressed the contempt citation. Perhaps it would have been pressed by Mr. Justice O'Brien in and of himself, but it was the crown that pressed this issue, long after this woman had indicated she would stand aside and not press this matter herself. I think we have made a grave mistake against this woman, first and foremost, and against all women.

I can only hope, and I will close on this with the Attorney General here, that as we conclude this debate this afternoon, the Attorney General will see fit to do what he has not done for three days, and that is to seek the immediate release of this innocent victim who, in effect, became a defendant.

**Mr. Cassidy:** Mr. Speaker, I apologize for not having been here during the course of the earlier part of the debate since it affects people who are residents of Ottawa where I come from. Unfortunately, I have been concluding my leadoff in the Ministry of Consumer and Commercial Relations matter, but I have had some information about the other contributions in this important emergency debate.

The minister began his statement this afternoon by saying he was troubled by the case. Then he proceeded in 24 pages to reveal he was troubled by the suggestion that the law erred in victimizing a woman who had been a rape victim already, but not that he had any sensitivity to the plight in which she found herself. I am troubled by the way the minister has acted in this case and by the way he has sought to protect his own people rather than accepting this unfortunate, regrettable, deplorable incident which culminated in the jailing of this woman who was a victim of rape.

The one thing we can draw from this, and perhaps the one good thing that will come from it, is that the question of the treatment of rape victims has become front-page news and it is on television. People are talking about it and perhaps, constructively, we can do better in the future. Certainly, we should be doing better than what is happening here, with the minister concentrating in a legalistic way on trying to ensure that the legal system is maintained without paying any regard to the fact that for 90 per cent or more of rapists the legal system is irrelevant because they are never brought to book.

That is not to talk about the percentage of convictions that are achieved when rape charges are actually laid. Even there the success rate is

relatively limited. None the less, something like 90 per cent of rapists go free because they are never brought before a court. The minister, therefore, has his eyes on the wrong target when he looks at the law system.

We should be looking at the overall justice and social systems and trying to find some way of ensuring that if rape occurs, there is a far greater chance that the perpetrators of the rape will be brought to justice and dealt with through all the severity the law provides. That does not occur right now.

The minister knows perfectly well that a law under which people know the chances of being caught or of being convicted are minimal is a law that is often held in disrespect or at least ignored. People drive at 70 miles an hour on our highways in Ontario because they have a fairly good idea they are not going to get picked up for speeding by the Ontario Provincial Police. People commit rape in Ontario, and one of the reasons is they know they have a fairly good chance of not going before the police, or even if they go before the police, of not getting convicted.

The Attorney General completely omitted in his statement to talk about the 17-year-old boy. I cannot explain all the reasons for that, but the lesson is quite clear. If people do get into the situation of the young woman in Ottawa, then for goodness' sake, they should not try to work it out with the crown. They should just make themselves scarce until the police give up, go ahead and have a case without them. Then they can show up again.

**5:40 p.m.**

The minister forgot to mention that the complaint was originally laid by the mother of the child who was being baby-sat. There is mention of the justice saying the woman had not done anything but clean the place up after she had been raped. For goodness' sake, considering the trauma involved in what had happened there, at least that was something simple and secure; she knew what she was doing, and this tended to empty her mind of the horror of what had happened for the previous two and a half hours while those men were in the apartment.

The minister did not mention the fact that it was after the second accused came along that the woman lost her confidence. For a full year she was prepared to testify, but the Ministry of the Attorney General, the crown and so on could not get their act together to get the trial of Carson—who was known to them; they knew where to find him—actually to take place.

I think it is clear, if we are looking at ways of

ensuring the justice system works better, that one of the things we have to look at is the time it takes. The trauma of being raped is bad enough, but to spend two years of life waiting until the matter is settled is intolerable. That is what it took in this case. I am told that a year in the courts in Ottawa is considered to be fast and efficient and that there are other cases which are taking two years or more in the courts in my city.

If a suspect is in jail and not out on bail, they can work wonders in terms of getting quick trials in the courts in Ottawa; but since rapists tend to be put out on their recognizance or on bail, those cases tend to drag on. I suppose it is in the interest of defence counsel for the accused rapist to let it drag on until memories get dim or until people's confidence falters. That administration of the courts is in the hands of this minister and of his colleagues in the government.

There have been training sessions for police and doctors, and they are certainly more sensitive about rape matters than they were a few years ago. But what about the crown attorneys? Are they more sensitive? I do not think so, if the behaviour of the people involved under Mr. Cassells in this case is any kind of guide. It appears the crown did not sit down with the lady—I do not know her name—to go through the questions that were going to be asked to ensure she had some idea of the areas on which she would be expected to testify. I do not even know whether she was aware of the fact that her testimony was privileged and would not be printed in the papers.

I cite as well that at the trial held a week and a half ago, the director of the Ottawa Rape Crisis Centre, Cindy Moriarty, was brought up as a witness by the crown. The crown had a full year to prepare for this case—virtually a year, maybe two, if we go back to the time of the rape. Ms. Moriarty was told vaguely that she might be called a few days before she was called, and then she was told specifically that she was going to be called an hour before she appeared in the witness box. There was no effort to work out with her the areas on which she might be asked questions and therefore no forewarning so she could check into her notes or files for information that might be germane.

The defence successfully challenged her expert credentials because the crown was not bright enough to have found out Ms. Moriarty's qualifications. The defence said: "Look, you say you have interviewed a thousand people who are

rape victims. Do you know they are rape victims?" Ms. Moriarty had to say, "No, they are alleged rape victims," because in most cases convictions did not ensue.

The crown never established the fact that she had lectured to the Canadian Police College and at other places that acknowledged her expertise in the matters dealing with the victims of rape. Therefore, her expertise was never accepted by the court in terms of testifying as to the condition of the woman concerned or other matters in connection with this case.

The attitude the Attorney General takes is that once the decision is made, the carriage of a rape case has to be in the hands of the crown. That is the case in other criminal matters, but the decision to go or not to go is customarily made at the time the woman makes her case known by lodging a complaint with the police; that is, within 12 hours of the rape. That is a hell of a time to make that kind of decision, right after that has been done to a person. The sense of personal integrity is violated by being raped and all the other degrading incidents that have occurred.

In this case that is what happened. The woman originally did not want to testify, and then she was persuaded by a sensitive and good police officer that it would be okay. After that, the crown had charge of it and she was told she could not do anything about it.

I am told that in Ottawa now, the rape kits prepared by the Ministry of Health are in the Ottawa Civic Hospital but can be used only if the police say to go ahead and use them. A woman cannot go in, have the rape tests done in a scientific and objective kind of way, then postpone, until she has had a day to cool off, the decision about whether to actually lodge the complaint or proceed with the charge to the police.

It is like the Susan Nelles case; the police went in for a weekend and launched a tremendous \$1-million trial on the basis of a couple of days of evidence.

After the police get the complaint, the woman has no chance to take it back. As this case indicates, all her pleas are going to be ignored.

The minister says relocation was offered. Yes, it was offered. But why should this woman have to move, change her life, change her school and leave her family? She was the victim, not the perpetrator of the crime.

The minister says reasonable protection by the police was offered but significantly, I think, never specifies what that was. Perhaps what the



woman was asking for was unattainable or unreasonable. However, I think the question of protection should have been elucidated here; it has to be faced.

**The Deputy Speaker:** The member's time has expired.

**Mr. Cassidy:** In all, this case shows that we need a much more sensitive and effective approach to the crown's dealing with rape cases. If five or 10 per cent of the women who lay complaints in the end say, "Look, it is too much; I can't go on with it," I think we have to accept that rather than give the message to women that if they complain, they will be victimized twice and thrown into jail for not proceeding.

**Hon. Mr. McMurtry:** Mr. Speaker, the 10 minutes allotted does not allow me sufficient time to deal adequately with all the very interesting remarks made by members of the Legislature in this important debate. However, there are several areas I would like at least to attempt to clarify.

The Leader of the Opposition (Mr. Peterson) and others have stated that the Attorney General, together with the Minister of Correctional Services, could have convened a meeting of the parole board to release this individual. This matter was discussed by the Deputy Attorney General and senior officials in the Ministry of Correctional Services.

If one reads the regulations enacted under the Ministry of Correctional Services Act, one will see that cannot happen without an application being made on behalf of an inmate. In this case, members will recall my earlier statement that the inmate refused to make any application to alleviate in any way the terms of her incarceration.

I think it is clear for the record—and I am saying this as the senior law officer of the crown in Ontario—that such action cannot be taken, under the law as it exists, without an application from the inmate. I hope we have clarified that.

**Mr. Cassidy:** Mr. Speaker, on a point of order: I would just point out for the record that it was five days' jail and the matter was over, as opposed to the possible delay of a further four or five months before the matter could go to appeal. That was one of the reasons the victim finally decided not to proceed.

**The Deputy Speaker:** That is not a point of order. You are entering the debate.

Incidentally, I might just comment that each of the speakers this afternoon has had a minute or so more than the limit. This has been the case with all three parties. Having allowed that

likewise to the member, the Attorney General will proceed.

5:50 p.m.

**Hon. Mr. McMurtry:** The other issue that has been raised is the status of the Attorney General of Ontario have a right of appeal with respect to a punishment (i.e., sentence) imposed following a conviction for contempt of court by way of summary procedure?" That question was put to the law officers of the crown. The response was, "Where the contempt proceedings are summary in nature, only the person convicted may appeal from the punishment (i.e., sentence) imposed."

The law officers of the crown also reviewed the question of whether the Attorney General would have status or standing to bring an application pursuant to the Charter of Rights and Freedoms. It was the view of all the senior law officers of the crown that the Attorney General does not have any such status or standing. While the member for Riverdale has every right to disagree with the opinion of all the senior lawyers in the ministry, it is important, for the record, for the members to know that this is the view of the senior law officers of the crown in this province and all the senior members of the criminal law division.

There has been a great deal of comment with respect to the activities of the crown attorney and suggestions that he acted in an insensitive fashion in his dealings with the young woman in question. I have been given a memorandum following my statement that would indicate that the crown attorney indeed, in my view, showed a great deal of sensitivity with respect to this very difficult case.

Appreciating the anxiety and concerns of the young woman involved, including before the preliminary hearing at which she gave evidence, after reviewing the evidence he took the young woman to the courthouse and gave her a tour of the courthouse, including putting her in the witness box, in effect giving her a dry run of the proceedings in order that she might be quite familiar with the process. As has been commented on, she gave her evidence at the preliminary hearing without difficulty.

The crown attorney maintained his contact with her throughout this period of time, and up until April 1983 there did not appear to be any problems. In the week of April 29 the crown attorney for the first time was advised of the problem. There were subsequent meetings, during which she was questioned about the threats,



and again I repeat that at no time did she advise the police—

**Ms. Copps:** The police placed the wiretap in February.

**The Deputy Speaker:** Order.

**Hon. Mr. McMurtry:** I did not interrupt the member for Hamilton Centre. There were many things she was saying that I certainly did not agree with, but I showed her a little courtesy and I think on occasion she might demonstrate a little common courtesy when somebody else is speaking.

There is no question, in my view, that the crown counsel demonstrated a high degree of sensitivity in dealing with what was admittedly a very difficult issue. There is no question that all of us in this House agree that this is a most heinous crime; no one has been convicted of this particular allegation, but obviously the allegation is one of a very heinous crime. It is quite clear not only that these matters have to be dealt with sensitively by the court in assisting the complainant to give evidence but also that the punishments meted out by the court must be treated very seriously.

I want to make very clear to all members that if any complainant at any time suggests to the police or to the crown attorney that a threat has been made directly or indirectly, that matter will be given the highest priority by the police and the crown attorney's office, because nothing can be more potentially destructive of the justice system in this province than for it to be thought that any threat to anyone, particularly a victim of a serious assault, will be tolerated. I want to make it clear that this has been the attitude in this province and will be for some years to come. Many cases involving sexual assault or other cases involve police protection, and that in itself has never been an issue. There is absolutely no question that the issue of a threat or a possible threat will always be given the highest priority by our law enforcement agencies and treated with the utmost seriousness by the Ministry of the Attorney General.

In conclusion, in attempting to put this into context—and whether members agree with the decision of Mr. Justice O'Brien or not, of course, is their privilege—it is important again to remind the members, particularly in the course of this debate, that the issue that was of greatest concern to both Mr. Justice Linden and Mr. Justice O'Brien was the protection of victims of sexual assault generally. If one reads their comments in attempting to balance the

complex issues in this case, one sees that is certainly the highest priority in their case.

I will repeat once again what Mr. Justice Linden had to say in relation to the importance of individuals giving evidence, particularly after a preliminary hearings when serious criminal charges have been laid. I quote Mr. Justice Linden:

"If we were to permit anyone who is frightened or apprehensive of giving evidence to refuse to do so, desperate and dangerous accused persons would be encouraged to make these threats in the hope of discouraging witnesses from testifying."

**Ms. Copps:** So where are they now? She's in jail and they are at large. How dare you? How can you say that?

**The Deputy Speaker:** Order.

**Hon. Mr. McMurtry:** It is really curious that in a democratic institution such as this, the members opposite would feel that participating in a useful debate is to attempt to drown out the words of a distinguished judge of the Supreme Court of Ontario. The honourable member should be a little embarrassed by her conduct.

**Ms. Copps:** How can you cite this as justice when she is in jail and they are at large? It is absolutely ludicrous, and you know it.

**The Deputy Speaker:** Order.

**Hon. Mr. McMurtry:** I say to some of the members opposite—I am only talking to two or three who refuse to look at this matter in any proper context—if they were really concerned about the victims of these assaults—

**Ms. Copps:** Your own parliamentary assistant was the one who called for this emergency debate—

**The Deputy Speaker:** Order. This is deteriorating into a yelling match.

**Hon. Mr. McMurtry:** If they were really concerned, they might pay a little attention and give a modicum of respect to the comments of Mr. Justice Linden. The sad thing is that the member is not interested in dealing with this in a rational manner.

**Ms. Copps:** Your own parliamentary assistant insisted on calling for this emergency debate, and you don't want to deal with it. You call that justice?

**The Deputy Speaker:** Order.

**Mr. Cassidy:** Mr. Speaker, if the minister would like a few more minutes, I am sure that by

unanimous consent we would allow him to continue.

**Some hon. members:** Agreed.

**The Deputy Speaker:** Does the minister have any final comment as he is concluding his remarks?

**Ms. Copps:** What about the shooting? What about the lack of police protection until October 1983? You haven't answered any of the questions raised—

**The Deputy Speaker:** It being six of the clock—

**Mr. McClellan:** For the record, it isn't six o'clock.

#### BUSINESS OF THE HOUSE

**Hon. Mr. Wells:** Just before you leave the chair, Mr. Speaker, I would like to indicate the business of the House for the remainder of this week and for next week.

Tonight, we will do third readings of bills on the order paper, second reading and committee of the whole House on Bill 113 and, if time still is available, we will go budget debate.

On Friday, December 2, we will do supplementary estimates of the Ministry of Revenue

and concurrences of the Ministry of Transportation and Communications and the Ombudsman.

On Monday, December 5, in the afternoon we will have the estimates of Office of the Premier, and in the evening we will have the estimates of the Ministry of Northern Affairs.

On Tuesday, December 6, we will deal in committee of the whole House with Bill 111, if it is reported back.

On Wednesday, December 7, the usual three committees have permission to sit in the morning.

On Thursday, December 8, we will have private members' business in the afternoon, standing in the names of the member for Essex North (Mr. Ruston) and the member for Welland-Thorold (Mr. Swart). In the evening we will have legislation: Bill 111, if not completed, Bills 132 and 133 and the immunization amendment bill, which was introduced today—all of these for second reading and committee of the whole House—then Bill 42 in committee of the whole House.

On Friday, December 9, we will have the estimates of the Office of the Premier.

The House recessed at 6 p.m.

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Bryden, M. H. (Beaches-Woodbine NDP)  
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# Hansard

## Official Report of Debates

### Legislative Assembly of Ontario

**Third Session, 32nd Parliament**

Thursday, December 1, 1983

Evening Sitting

Speaker: Honourable John M. Turner

Clerk: Roderick Lewis, QC

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# LEGISLATIVE ASSEMBLY OF ONTARIO

Thursday, December 1, 1983

The House resumed at 8 p.m.

## THIRD READINGS

The following bills were given third reading on motion:

Bill 93, An Act to amend the Family Law Reform Act;

Bill 94, An Act to amend the Charities Accounting Act;

Bill 95, An Act to amend the Public Vehicles Act;

Bill 96, An Act to amend the Highway Traffic Act;

Bill 124, An Act to amend the Wages Act;

Bill 128, An Act to amend the Residential Complexes Financing Cost Restraint Act.

## RESIDENTIAL COMPLEX SALES REPRESENTATION ACT

Hon. Mr. Elgie moved second reading of Bill 113, An Act to regulate Conveyances of Dwelling Units in Residential Complexes.

**Hon. Mr. Elgie:** Mr. Speaker, the act will protect people from being misled into certain forms of apartment ownership schemes. It will prohibit vendors of apartment buildings from leading people to believe they are buying a residential unit, the right to occupy a residential unit, or both, if they are only acquiring an interest in the building.

This bill applies to all residential buildings with seven or more units that are not regulated by the Condominium Act or the Co-operative Corporations Act. It affects two basic types of ownership schemes, corporation ownership and tenants-in-common ownership.

In the first category, building ownership is transferred to a corporation and shares in the corporation are sold to individuals. The individuals, by shareholders' agreement, grant one another the right to occupy specific units. Similarly, under the tenants-in-common scheme a building is sold to a group of individuals who enter into an agreement granting one another the right to occupy specific units.

In either case, the buyers are often led to believe that they can automatically move into the building when in fact they legally cannot. This is because the buyers are prohibited from

evicting existing tenants under the Landlord and Tenant Act, administered by the Attorney General (Mr. McMurtry).

I would like to emphasize that this legislation will not restrict in any way the right to convey property by means of tenancy in common or corporate ownership. It simply puts a stop to representations that could grossly mislead buyers into thinking they are buying a home. The bill outlaws any advertisements, verbal representations or written agreements that state or imply that people are buying a unit or the right to occupy a unit now or in the future.

Under the bill, buyers who are misled in this way can cancel an agreement to purchase up until closing of the deal. Even after closing they can claim damages through the courts for expenses arising from the misrepresentation, such as living costs. Aside from possible consumer claims, building vendors or their agents who breach the proposed act will be liable to a fine of between \$1,000 and \$50,000, a year in jail or both. Corporations contravening the bill will face a fine of up to \$100,000.

I think it is important to note that this bill recognizes that a vendor can provide a clear and accurate written statement of law on the right of occupancy. The statement could, for instance, advise a buyer of his right to occupy a unit when and if the current tenant chooses to move out.

As I have already mentioned, this legislation does not apply to condominium sales or to the sale of units owned by co-operatives. It also does not apply to the sale of interests by vendors who occupy units and who can so guarantee the buyer a right to occupancy. Under the act there is ample room for future exemptions to deal with specific unfair circumstances.

This act will replace the outmoded section of the Condominium Act dealing with ownership schemes.

**Mr. Boudria:** Mr. Speaker, I wish to say a few words on behalf of our party on Bill 113, An Act to regulate Conveyances of Dwelling Units in Residential Complexes. Our party proposes to support this legislation.

There are a few concerns I would like to raise. I have raised one of them previously with the minister and he has agreed to amend it; as a

matter of fact, we both prepared an amendment for it. Ours is a little bit different, although we intend to do the same thing, and in a few minutes I will show the minister the amendment I had in mind. They were both prepared by legislative counsel and somehow they got to be a little bit different.

Nevertheless, I am pleased to note that the minister intends to make a mobile home park a residential complex in so far as the definition of this bill is concerned. The concern we have about mobile home parks is that whenever we make laws for any type of housing or dwelling unit we seem to forget the 50,000 people in this province who live in mobile homes, or rather the 50,000 mobile home owners of this province; probably roughly twice that many people live in them, if not more.

**8:10 p.m.**

The big concern is that it is as important, if not more important, to protect those people who occupy a mobile home lot. As all honourable members know, it is always very expensive to move a mobile home whenever that has to be done. Mobile home residents deserve as good protection as anybody else, if not better, and we are glad to see that the minister is amending the bill to reflect this concern. I want to thank him and I am sure all residents of mobile homes will be pleased to see that we are indeed intending to afford them better protection as well.

The obvious concern, though, even once we have passed this bill, is of condominiums being created outside the actual intent of the law and, as I understand it, that is still going to happen. For instance, if a building has 20 units and 20 people buy it as shareholders, we now know that only one person can claim to be the owner and therefore only one unit can be occupied on behalf of the owner as opposed to all 20 of them each wanting a unit.

However, what happens as time goes by is that each time a unit is emptied it is then replaced with one of the co-owners of the building and we still get a condominium, which may or may not be wrong. However, I think it is interesting to note that it is circumventing municipal bylaws when that happens. In fact, we are creating a sort of de facto condominium in any case. The only exception, as I understand it, is that we are not throwing everybody out any more; and we cannot let anybody who buys shares believe that we can throw a resident out of his apartment. That is the way I understand the legislation to work.

But certainly, in so far as not being able to

mislead anyone is concerned, that is very productive. However, the basic concern of us actually creating condominiums where we do not necessarily want to create them is still there. If that is not the case, I would hope the minister would elaborate for us later.

Frankly, I do not know what the solution is to that problem. I certainly do not advocate abolishing tenancy in common or corporate ownership of buildings. That would, as far as I am concerned, not be a very brilliant move or an adequate move, in any case, to solve that particular instance.

Perhaps there are other methods of dealing with that problem if it gets to be serious, and other legislative measures will then be necessary.

Of course, as I said previously, the co-owner type of affair requires no municipal consent whereas conversion to a condominium does. That is basically the issue that I wanted to raise.

I suppose those are all the comments that I have at the present time, recognizing that the minister has indicated to me and has circulated an amendment which he intends to bring in later and I want to discuss with him privately about the amendment that I had proposed to see which of the two amendments is the one that should be passed in order to ensure the maximum protection for mobile home owners.

**Mr. McClellan:** Mr. Speaker, the minister will understand perhaps if we express a certain degree of confusion with respect to Bill 113. I acknowledge this confusion quite frankly and candidly.

The present section 60 of the Condominium Act seems to me to be fairly clear and straightforward. It is being replaced by Bill 113. Section 60 reads:

"No person shall offer to sell any interest in land together with a grant of exclusive occupancy or use for residential purposes of part of a building located on the land where that person will retain an interest in the land as tenant-in-common with the offeree unless he does so as a declarant or proposed declarant under this act." The act is, of course, the Condominium Act.

I think I understand what that section of the Condominium Act means. What I do not understand is why that very clear section of the Condominium Act has not been used to eliminate the kind of scams and ripoffs that I know have been taking place in Metropolitan Toronto since the passage of the Condominium Act and that Bill 113 is ostensibly designed to deal with.

For example, I have had communication with a number of tenants at 80 and 100 Coe Hill



Drive. Let me use that as a case example. A number of new Canadians have been sold units at 80 and 100 Coe Hill Drive through the agency of Lennox Real Estate. By and large, this real estate company has been making a sales pitch to recent Polish immigrants and telling them that if they buy a co-ownership in 100 Coe Hill Drive they will have occupancy rights to the apartments that are currently occupied by tenants of the landlord who owns 100 Coe Hill Drive.

A number of apartments were sold to purchasers who were given the impression through the documents they signed that they would have a right of occupancy of apartments that were already occupied by tenants who have security of tenure under the Landlord and Tenant Act. They paid variously between \$20,000 and \$40,000 for the purchase of these apartments on the usual three-mortgage scam deal, so they are paying an incredible amount of money for absolutely nothing. Under existing legislation they do not have the right of occupancy and they are paying something in the order of \$250 a month against the three mortgages and \$250 a month additional charges for something called maintenance and taxes. This is a pure ripoff scam.

I understand Bill 113 is designed to protect people against being victimized by precisely this kind of scam, but I really have some problems with the legislation in front of us. I intend to refer the bill to committee of the whole, not to drag it out but so that the minister and I can have some kind of dialogue and perhaps we can reach a meeting of the minds.

I do not understand why section 60 of the Condominium Act as it is written at present would not have prevented the kind of scam that took place at 100 Coe Hill Drive. I genuinely fail to understand why the existing legislation is not strong enough to protect people from the kind of ripoff Lennox Real Estate was perpetrating in the west end of Toronto.

The language is very clear. "No person shall offer to sell any interest in land together with a grant of exclusive occupancy . . . of any part of a building located on the land." I do not know what could be clearer than that. We have a piece of legislation that makes the transactions I have described illegal. Yet it is obviously not being enforced by the ministry.

**8:20 p.m.**

I am not trying to be provocative. I do not understand why section 60 cannot be enforced with respect to 100 Coe Hill Drive. Do we lack enforcement and penalty provisions in the Con-

dominium Act? If we do, let us put them into the Condominium Act and enforce section 60 to prevent these kinds of scams. We will support the minister on that.

What we are trying to reach towards is a situation where these kinds of ripoffs are clearly illegal, the ministry will have the power to enforce the law, and penalties will be in place against anybody who tries to violate the law.

My problem with Bill 113 is that we are not saying these kinds of transactions are illegal per se. What we are saying is that it is illegal not to provide full and complete information to a prospective buyer with respect to the current state of the law. In other words, Mr. Kowalsky of Lennox Real Estate could not try to sell a recent Polish immigrant an apartment at 100 Coe Hill Drive by giving him the con that he would be able to occupy one of those apartments. That is what we are saying in Bill 113.

We are not saying it is illegal to have this transaction take place. All we are saying is it is illegal if the seller does not provide the purchaser with full and accurate information. With respect, I do not think that is good enough. I really want to understand whether the ministry is trying to outlaw these kinds of transactions, or whether the ministry is simply trying to sanitize these kinds of transactions and say: "If somebody provides full and accurate information to you, a new immigrant, and says the existing Landlord and Tenant Act and other legislation prevent you from having occupancy rights against a tenant who already lives there, do not worry about that. Sooner or later we will get these tenants out of these apartments, and once the apartment is vacant, then you can move in and obtain occupancy. The only thing is you cannot evict the person who lives there now, but if you wait long enough, you will be able to move in there. You may have to wait a year or two, but we will find a way around that. Don't worry about it; buy the deal anyway. It is only going to cost you \$20,000 and, sooner or later, you will be able to move into your own little apartment."

It seems to me that there is the loophole. There is the way out of the legislation. There is the escape hatch. It is not necessary to evict a tenant, but if one waits until a tenant moves out in the due course of time, then the prospective purchaser can occupy the unit.

It seems to me that this is a very fundamental problem. I hope the minister is listening and not listening to his—

**Hon. Mr. Elgie:** We are talking about the same thing the member is talking about.



**Mr. McClellan:** I know the minister can walk and chew gum at the same time. I am confident.

We have a real problem here because I thought we had agreed in this Legislature around the kinds of terms and conditions for a combination of ownership and occupancy. I thought we had said that if one wants to own and occupy, one does it under the terms of the Condominium Act. I thought we had already agreed to that.

Various ripoff artists have come up with various scams that appear to bypass the terms of the Condominium Act. It seems to me that the solution is not to wipe out the tough provisions under section 60 of the Condominium Act and say, "Oh, well, if you just provide information about the nature of this scam, then the scam becomes legitimized." It seems to me that is what the minister is doing in Bill 113. I do not think that is right. I think we were right in the first instance to say: "Look, if you want ownership plus occupancy rights, you do so under the terms of the Condominium Act. The other kinds of occupancy relationships are under the Corporations Act, the Co-operative Corporations Act or the Landlord and Tenant Act."

Basically, we have three kinds of occupancy relationships. My concern is that the minister is setting up some new fourth category here, so that if somebody like Mr. Kowalsky of Lennox Realty wants to go ahead with the kind of scheme I have described at 100 Coe Hill Drive, all he has to do is say, "Here is the way the law reads at present. You cannot evict the tenant who lives there now, but if you wait long enough you can get occupancy when the tenant moves out." We have a new kind of co-ownership/occupancy relationship that is not covered by the Condominium Act or by the Co-operative Corporations Act or by the Landlord and Tenant Act. We have some new hybrid out there.

I really do not see what protection there is for the people who are being victimized by these kinds of scams. The only protection comes if they exercise their right prior to the closure of the sale to protest that they were given false information. If they give evidence prior to the closure of the sale that they were given false information prior to the closure date, then the transaction is voided.

The people I talked to were recent immigrants who did not have the slightest idea they were being ripped off or what was involved in this kind of transaction. I can assure the minister, as surely as I am standing here, Bill 113 will not prevent the same kind of thing as happened

at 100 Coe Hill Drive from happening again next month or two or three months from now. All we have to do is arrange a short closing date. The only escape hatch is to have a 20-day closing date.

Unless I fundamentally misunderstand the legislation—and I hope I do, but I do not think I do—I read section 2 of the bill as saying it is illegal to sell or offer to sell an interest in a residential complex without providing complete information about the state of the current landlord-tenant relationship. If such a relationship is entered into, the purchaser has the option of voiding the transaction prior to the closure date, after which he can sue.

Thanks a lot. He can sue. So what? He still owns the property. He can sue for damages, but that does not void the sale. It does not void the transaction and it does not make this kind of transaction illegal. I think it is important to establish that such transactions are illegal. They should take place only under the terms of reference of the Condominium Act. If they do not take place under the terms of reference of the Condominium Act, they should not be permitted.

The minister may disagree with me on that, and we can discuss and debate that. I know the minister is sincere in trying to end these kinds of scams; I do not question that for a second. I question whether the legislative remedy in front of us this evening actually does that or whether it will simply permit other loopholes to be opened up and exploited and the process to be continued.

I do not intend to belabour this. We can have some back-and-forth dialogue when we get to committee of the whole. But I want to raise one really bizarre aspect of the 100 Coe Hill Drive episode. I am quoting from a little community newspaper called *The Villager*, the issue of June 1983. The article is entitled, "Tenants Organizing to Fight Multiple Ownership Threat." This is a description of what happened at 100 Coe Hill Drive.

**8:30 p.m.**

I will read this to the minister because I really think it is quite bizarre and indicates the seriousness of the problem we are dealing with. It is an article by someone identified as Bill Dunphy.

"Apartments at 80 and 100 Coe Hill Drive, comprising about 140 units, were sold in early May before the amending legislation was passed." Those are the amendments to the Landlord and Tenant Act. "According to the new owner's

agent, they had originally intended to try to sell the individual units at prices ranging from—

**Mr. Speaker:** Order.

**Mr. McClellan:** Am I keeping anyone awake here?

**Mr. Speaker:** Order. Proceed please.

**Mr. McClellan:** Mr. Speaker, whom do you want to proceed?

**Mr. Speaker:** Order.

**Mr. McClellan:** To continue: "According to the new owner's agent, they had originally intended to try to sell the individual units at prices ranging from \$26,000 to \$39,000 as quasi-condominiums. But after the new laws were passed, they gave up on the idea. Yet they continued to advertise the units for sale and that has worried tenants in those buildings"—at 80 and 100 Coe Hill Drive.

"The units were not offered to the tenants and, in fact, the owner's agent, Mr. Kowalsky of Lennox Real Estate, told us that tenants were not welcome to purchase their own unit shares. 'We are only offering the units to Polish, Ukrainian and Czech peoples,' Mr. Kowalsky told us. 'They get together like friends. They have the same languages, background and history. Now don't get me wrong,' he said. 'I love everybody. But it would be difficult for someone without the language, say, somebody different who is Jewish.'"

Mr. Kowalsky continually referred to 549013 Ontario Limited Corporation, which owns the building, as a club. Obviously, there is a restricted covenant involved as well. The tenants appealed to the Toronto Real Estate Board and were told, "It's none of our business."

It is my understanding they have had communication with the ministry. I may be wrong on that, but I understand they have had communication with the ministry with respect to this matter. I would be curious to know what response the ministry has had to that.

Again, this is secondhand information and I do not hold hard and fast to secondhand information. However, it gives us an indication of the seriousness of the problem about which we are talking. We are talking about a very serious ripoff that appears to be in flagrant violation of section 60 of the Condominium Act as it currently stands, which is not, as I understand, being enforced.

Second, we are talking about arrangements that involve some kind of restricted covenant, which the Toronto Real Estate Board simply washes its hands of. "It is none of our business, if

somebody is involved in a restricted covenant. Do not tell us about it because we do not want to know."

I am really concerned about what is happening here. I want an assurance from the ministry, which I do not see upon my own reading of Bill 113 or discussion of Bill 113 with a number of people within the tenants' movement. I do not perceive a tough initiative by the ministry to put an end to these kinds of scams.

I am not being dogmatic. I am conceding that perhaps I do not understand what the ministry is about here. I do not make any apologies for confusion. I acknowledge confusion to be a permanent part of the human condition, to which I am particularly susceptible.

However, I need to be convinced in language I can clearly understand and, more important, in language a new Polish immigrant to this country can understand that we are being protected against the kinds of ripoffs invented by ingenious con men who are trying to subvert legislation passed here very recently, specifically section 60 of the Condominium Act. When we passed section 60, we thought we had dealt with these kinds of scams once and for all and that there would be no interests with occupancy rights sold outside of the Condominium Act. We seem to have misunderstood that.

I want to hear from the minister, either now in his response on second reading debate or when we get into a more back-and-forth discussion in clause-by-clause in committee of the whole, what exactly the ministry is intending to do with respect to Bill 113. Let me leave it at that. I invite the minister to try to clear up some of the confusion here. If we cannot do it in response to second reading debate, perhaps we can have some more discussion in committee of the whole House.

**Mr. Philip:** Mr. Speaker, I would like to speak about this bill from a historical point of view and see where this legislation comes from. It is really a history of bumbling, not so much of this ministry, but of another ministry. I am glad to see the parliamentary assistant to the Minister of Municipal Affairs and Housing is here because it is the bumbling of the Ministry of Municipal Affairs and Housing that this ministry is trying to correct.

What we have is a series of one example after another, dating back to 1976 with the first attempt in Scarborough to sell a percentage interest in a building with an allocation of an apartment. At that time, the Von Teichmans of this world found a way of getting around the

condominium conversion bylaws. It was virtually impossible to convert a rental building to condominiums because, luckily, under the Planning Act there were provisions whereby municipalities could set certain guidelines. It virtually dried up taking that route.

Wolf Von Teichman and others of his ilk decided there was a way of merchandising the technique to develop a new kind of housing, a kind of housing that was not co-op, that was not rental and that was not condominium, and to take buildings that were old and obsolete, convert them, sell them to unsuspecting purchasers, merchandise them and inflict on poor people, as purchasers, the same kind of thing that would happen to them as tenants. We had a situation in Scarborough, Rexdale and Mississauga. There were poor people who were taken on this scheme trying to evict other poor people who wanted to hold on to their apartments.

At the time, the parliamentary assistant to the Minister of Consumer and Commercial Relations suddenly woke up to the fact that it was happening in his own riding and the Minister of Consumer and Commercial Relations had the Condominium Act before him. He had considerable pressure from the condominium world, saying: "Look, these people are merchandising things they are saying are like condominiums and they are not condominiums. They are going to give a bad name to the rest of us and people are going to be taken on it." Section 60—at that time I believe it was section 59—of the Condominium Act was brought in.

At that time, I rose in the Legislature and said to the then minister, now the Treasurer (Mr. Grossman), "We are going to have problems with this. What we have is a group of purchasers who are going to be minority interest holders in a building with no kind of control over the major interest holder who is going to be the principal landlord." The minister said, "Oh, no, we have to plug the loophole."

We moved an amendment to stop it once and for all, but at least to grandfather in, with certain kinds of protections for the tenants, those buildings that were already started. That amendment was voted down by the Liberals and Conservatives.

**8:40 p.m.**

We now have as part of the rationale the minister is giving us that this not only protects new buyers, but it will also protect some of the minority interest holders at places such as 41 Garfella and some of the other buildings. Of

course, there are other ways of protecting them. He knows it; he knows there are ways of protecting them under the Planning Act but unfortunately he is not the Minister of Municipal Affairs and Housing.

Unfortunately, the dinosaur who is the Minister of Municipal Affairs and Housing (Mr. Bennett) and his parliamentary assistant, the member for Wilson Heights (Mr. Rotenberg), who is even more reactionary, do not want to touch it. They do not want to bring in the appropriate amendment to the Planning Act that would give to municipalities the same right they have over conversion of condominiums, the right to go and look at the proposed change and to say either yes or no—yes, it is in the best interests of the community or no, it is not.

At the time section 60 went into the Condominium Act, I predicted we would have the minority interest holders in a situation where they could not get a mortgage renewal. That is what we have in a building such as 41 Garfella. The original owner, who owns the third mortgage, is not renewing it. By the way, I appreciate the fact that the minister intervened when I approached him, and I understand there is some kind of stay or whatever.

We are faced with a situation where we have a legitimately conscientious minister trying to do the work of another minister. I sympathize with him. He knows there is a tough problem, and he only has a tiny piece of the action. Even though he does not have the best tools possible, he has to do the work of another minister because another minister is unwilling or incapable of doing his job.

**Mr. Rotenberg:** That is nonsense, and you know it.

**Mr. Martel:** Sure it is. You will not build houses.

**Mr. Speaker:** Order.

**Mr. Martel:** We are sick and tired of his interjections.

**Mr. Philip:** The parliamentary assistant deserves to be insulted.

**An hon. member:** Don't you usually name members who interject, Mr. Speaker?

**Mr. Martel:** You usually say to me to be quiet. Interjections.

**Mr. Speaker:** Order.

**Mr. Philip:** I have obviously provoked the parliamentary assistant to the Minister of Municipal Affairs and Housing, the man who is against Bill Pr13, requested by the city of Toronto, the



bill that would have stopped little old ladies and little old men from being thrown out on the streets by unscrupulous developers who want to plough under their buildings. It is the same principle as conversion. In this case we are dealing with conversion by a technique of getting around condominium planning bylaws. In the case of the bill he would not support, the one in his own riding—

**Mr. Rotenberg:** It is not in my riding, and you know it.

**Mr. Philip:** It is a different type of conversion—conversion by demolition. He is responsible for those people being thrown out on the street—

**Mr. Rotenberg:** That is nonsense.

**Mr. Philip:** —and I can see that I have his attention. I can see I have pricked his conscience.

**Mr. Rotenberg:** On a point of privilege, Mr. Speaker: The member for Etobicoke (Mr. Philip)—and I want to choose my words carefully—consistently, deliberately and maliciously does not make statements in accordance with the facts about Bill Pr13, about myself, about my riding or about Eglinton Avenue. I ask you to correct the record to indicate that his statements are not in accordance with the facts and that he is doing it deliberately and maliciously.

**Mr. McClellan:** Mr. Speaker, on a point of order: You cannot allow the member to accuse my colleague of making malicious and misleading statements. You have your duty; perform it.

**The Deputy Speaker:** Order. A point of privilege takes precedence over a point of order. The member has made his arguments concerning his point of privilege. I think as we were having a transition in the chair the Speaker made very clear the point that there were interjections that were provoking the speaker. The point was made that the member for Etobicoke has the floor. We have made due note of the comments of the member for Wilson Heights as his point of privilege.

The member for Bellwoods (Mr. McClellan) was on his feet with a point of—

**Mr. McClellan:** Of privilege. The remarks of the member for Wilson Heights were clearly in violation of the standing orders. I ask you to instruct him to withdraw them.

**The Deputy Speaker:** On the point of privilege raised by the member for Bellwoods, I did not notice anything that the member would be required to withdraw. I remind the member to avoid the interjections that provoke the comments that are destroying the decorum of the

House. The member for Etobicoke has the floor.

Does the member for High Park-Swansea have a point of order?

**Mr. Shymko:** Yes, Mr. Speaker. Just so there is no misinformation, the member for High Park-Swansea is the sponsor of Bill Pr13 on this side of the House.

**The Deputy Speaker:** That is duly noted. The point of order is well taken.

**Mr. Philip:** On the previous point of order, Mr. Speaker: The member for St. George (Ms. Fish) originally sponsored the bill. She did not even vote for it. She was embarrassed by it. The government delayed it, and the government has done the same thing with this one.

**Mr. Shymko:** I am not embarrassed.

**Mr. Philip:** He is embarrassed.

**The Deputy Speaker:** The point of order is turning into a debate. Would the member for Etobicoke kindly return to the principle of the bill and proceed with the debate?

**Mr. McClellan:** I assume "malicious distortion" is now parliamentary language. It is a two-way street. That is fine.

**The Deputy Speaker:** Order. The member for Etobicoke will continue.

**Mr. Philip:** I am not in the least provoked by the demolition member for Wilson Heights. He is the member who is responsible for the demolition of legitimate housing in his riding, and his constituents know that. I have been to meetings where he has not had the guts to show up in his own riding to debate the issue.

**Mr. Rotenberg:** Name one.

**Mr. Philip:** The member was not even there to debate the issue. The Attorney General did not show up.

**The Deputy Speaker:** I remind the member for Etobicoke that it would assist the debate if he could avoid inflammatory comments about another member. Let us remember decorum.

**Mr. Rotenberg:** On a point of privilege, Mr. Speaker: The member for Etobicoke has indicated something happened in my riding at a meeting I did not attend. I suggest to him it did not happen in my riding, and I do attend the meetings in my riding. I challenge him to point out a meeting in my riding I was invited to and did not attend.

**Mr. Cooke:** He didn't say "one." He said "several."

**Mr. Wildman:** That is malicious distortion.

**The Deputy Speaker:** Order.

**Mr. Martel:** Mr. Speaker, I have listened to you getting up and giving us a little lecture about my colleague using inflammatory remarks. You allow the member for Wilson Heights to use a term like "malicious distortion," and then you have the audacity to lecture my colleague who is being interrupted constantly by that bird—

**An. hon. member:** He's a blue jay.

**Mr. Martel:** Yes. He might even be a cardinal.

Mr. Speaker, you just cannot play it that way. About a week ago tonight you played the same game with the member for Cochrane North (Mr. Piché), whom you allowed to jump all over the speaker. Either get some consistency in here, stop chastising us and get that guy to be quiet, or you will have chaos all night.

**The Deputy Speaker:** I say to the member for Sudbury East (Mr. Martel), we do not need threats to the chair. We are just here to provide some decorum—

**Mr. Martel:** Well, I am sorry. It is you who is doing the lecturing.

**The Deputy Speaker:** Order. You have made your comments.

**Mr. McClellan:** Are you going to throw us out because he accuses us of malicious distortion?

**The Deputy Speaker:** I agree that words such as "malicious" are not appropriate to the debate.

**Mr. Martel:** You did not make him withdraw.

**The Deputy Speaker:** Order. Also, I was not lecturing; I was reminding the members. I merely preside here to remind the member, and all members evenly, that comments accusing another member of failing to have intestinal fortitude, or whatever words were used, are not appropriate.

**Mr. Martel:** Did you make him withdraw? No, you did not.

**The Deputy Speaker:** If we are asking this member to withdraw, then that member should clearly withdraw, because neither of them is parliamentary.

The member for Etobicoke has the floor.

**Mr. McClellan:** On a point of privilege, Mr. Speaker: I simply want to understand from you whether the use of the expression "malicious distortion" is parliamentary. If it is not, you will ask the member for Wilson Heights to withdraw the remark. If it is, then we will use it with impunity.

**Mr. Rotenberg:** Mr. Speaker, the member—

**The Deputy Speaker:** Would the member for Wilson Heights resume his seat for a moment?

Lest it be interpreted that the member was imputing the word "malicious" to the member for Etobicoke, would he kindly withdraw the remark? I would also ask the member for Etobicoke to remove the allegation that the other member lacks intestinal fortitude.

**Mr. Breagh:** No, he said "guts."

**The Deputy Speaker:** I understand what he said, but I put it in other words.

8:50 p.m.

**Mr. Rotenberg:** Mr. Speaker, in order to possibly calm the proceedings, I would like to indicate that I did not use the word "distortion," because I know that is unparliamentary. What I said was that the statements of the member were not in accordance with the facts. I think that is parliamentary. However, I did say he did that "maliciously," and that I will withdraw.

**The Deputy Speaker:** We thank the member for withdrawing "malicious."

**Mr. Philip:** I withdraw whatever I said that upset you, Mr. Speaker. Also, I admit that I was unfair to the member for Wilson Heights, because he was not the only one who did not have the guts—sorry; I withdraw the word "guts"—the intestinal fortitude to show up at the tenants' meetings. The Attorney General also did not have the guts—the intestinal fortitude, I mean—to show up at the meetings of the tenants whose buildings were being demolished. It is essentially the same principle.

Indeed, when we come to this bill, the major problems are in the area of south Etobicoke. In fairness to the member for Wilson Heights—because I would not want him to think he is the only one who was afraid and did not show up for a debate—the member for Lakeshore (Mr. Kolyn), when invited by the Lakeshore Tenants' Association to debate with me on tenants' issues, of which this one was, suddenly had a problem with his foot. He had his foot in a cast and could not show up for the public debate.

**Mr. Rotenberg:** On a point of privilege, Mr. Speaker—

**Mr. Philip:** Well, Mr. Speaker—

**The Deputy Speaker:** Order. The member for Etobicoke will please resume his seat.

**Mr. Rotenberg:** Mr. Speaker, I am trying to restrain myself. When the member for Etobicoke says I was afraid to show up, that is imputing motives. I would ask him to withdraw, especially since the meeting he refers to was not in my riding and had nothing to do with my riding.

**Mr. Philip:** Mr. Speaker—



**The Deputy Speaker:** One moment, the member for Etobicoke. The member for Wilson Heights need not interject and perhaps be as sensitive as he is about allegations which we all know come into a debate of this nature. I ask the member for Etobicoke to be more responsible. Let us get back to the principle of the bill rather than dealing with the personalities and suggesting allegations to any honourable member of this House.

**Mr. Philip:** Mr. Speaker, I was talking on the principle of the bill, the principle being that we had an opportunity to look at the major problems that were affecting tenants. The greatest number of buildings that are affected happen to be in the Lakeshore area. The tenants' association invited the member for Lakeshore and myself to look at this. That debate would have proved inspiring to the Minister of Consumer and Commercial Relations (Mr. Elgie). The outcome of that was going to be televised by Maclean-Hunter. He could have watched it and he could have seen what the member for Lakeshore had to say about it, but the member for Lakeshore went out and broke a leg.

The member for Lakeshore with that broken leg could attend receptions. He could walk up and down stairs. I saw him at the city of Etobicoke receptions. He was able to lift his glass of wine. His foot did not affect him there. He was able to talk at the receptions. But when it came to meeting with the tenants in his own riding, he could not accept the invitation.

That is unfortunate because, I am sure, the debate between the member for Lakeshore and myself—which would have been televised—would have been first-class information for the Minister of Consumer and Commercial Relations before he brought in this bill. That is why I am talking directly on the bill.

The major number of buildings that have this kind of conversion are in the Lakeshore area. There are ways of dealing with this problem that we have also provided. We have suggested to the ministry that the buildings that are already partially converted where there were minority interest holders, with the proper funding by the provincial government, could have been turned into legitimate co-operative apartments.

In the case of the Irwin-Arcott-Tandridge projects, with the co-operation of the municipality and a number of politicians, myself included, who worked together on doing that, we ended up with a legitimate co-operative apartment building in which the tenants had rights and in

which the original investors got all their money back.

These were some of the options open to this government, but the government chose none of them. Then we thought at least the tenants were protected legally. That was the opinion of the Attorney General. When I rose in the House and asked the Attorney General, "Can a minority interest holder in a building evict a tenant?" the Attorney General said, "No, they are protected under the Landlord and Tenant Act because the interest holder is not an owner."

Of course, the case of Medeiros versus Fraleigh threw that aside, so I introduced a private member's bill, which was copied word for word by the Attorney General. When I had to correct essays in university classes, if a fellow did not have a footnote or if he had copied a whole essay, he got an F; it was called plagiarism. Here it is called some kind of innovation. The Attorney General copied my bill word for word, introduced it in the Legislature and said everybody was protected.

The Minister of Consumer and Commercial Relations, who I think is a lot smarter than the Attorney General, said: "Wait a minute. They are not all protected. We are going to change some rules in the Securities Act." The Ontario Securities Commission is the only agency in that whole ministry that seems to know what it is doing. It is the only regulatory body that does not seem to have one accident after another. The minister brought in regulations to try to protect the consumer under the Securities Act.

Interjection.

**Mr. Philip:** I am just starting.

However, that did not work because it was too cumbersome, and we still have the problem of the Medeiros case.

What happened then? The Minister of Consumer and Commercial Relations recognized that he was not going to persuade that dinosaur colleague of his, the Minister of Municipal Affairs and Housing, to act. He recognized that he had got to do something, so he brought in this bill.

It might be argued—and the minister will argue—that this in some way makes it a little less attractive to merchandise. That would be fine, except that he and I both know that the people who are purchasing these often are not sophisticated; often they are people who are new to the country. There is very little control over what is said orally, although now he will have some control over what is in print and what is advertised.



There is not one iota of a guarantee in this bill that this process of merchandising buildings, of selling them off by a percentage interest, will be stopped in any way; it may be discouraged, and this bill may help to discourage it in some way. But if the Minister of Municipal Affairs and Housing is not going to do his job, surely what we need is an amendment to this bill that will at least give municipalities a review over any kind of conversion. That is the basic right that is guaranteed to them under the Planning Act in relation to conversion to condominiums, and one must ask why this government is so resistant to giving municipalities the same kind of influence over this kind of conversion.

It is not bad enough that we have had six years of attempt after attempt to plug this, that the government has tried to do it through the Ministry of Consumer and Commercial Relations—the wrong vehicle to do it—and has been abominably unsuccessful. It is not bad enough that the Attorney General assures us that tenants have certain protections that they do not have and then has to bring in legislation to give them those protections.

#### 9 p.m.

It is not bad enough that we have case after case of senior citizens being harassed and told they have to leave their units. Even though the landlord or the owner does not now have the legal right to do it, we know of case after case where this is happening, where people get tired of being rung up at night and told: "You have my apartment. Will you please leave? I'll give you \$100 to leave. I'll give you \$1,000 to leave." Eventually they do leave.

This bill still does not deal with the depletion of rental stock in a community, and that is the essential reason that even though we may empathize in principle with what the minister is trying to do, even though we know that he has his heart in the right place while so many others in his cabinet are overruling him and going against him, we understand that. But it does not deal with the essential question. As though it were not bad enough that there are conflicts within the cabinet on this, there are also conflicts within his own ministry.

Mr. Speaker, you would be surprised. Do you know this minister is saying one of the reasons he can do this is that the people are protected from the Medeiros-Fraleigh case by the legislation—which the Attorney General borrowed from me—and therefore the tenants are protected and now he is going to protect the consumers. The basic principle that is now

protected is that the people who own these are shareholders and are not the owners of units. That is the principle of this bill, that they have to be told this.

Having said that so many times in the House and bringing in this legislation, what do you think his Residential Tenancy Commission is doing at this moment? They are sending out a memorandum. They are sending out a memorandum that in the case of a building on Allenhurst, for example, which has 59 units, we could end up with 58 rent review cases because the Residential Tenancy Commission is looking at each of these shareholders as landlords and, in fact, says you can have individual rent review cases for each of the units.

So not only do we have one ministry not knowing what the other ministry is doing, not only do we have this ministry trying to correct the problems and lack of activity by another ministry, and the Ministry of Municipal Affairs and Housing should be acting, but within his own ministry the left hand does not know what the right hand is doing. I know the minister is the left hand, but unfortunately, in this case the right hand is the Residential Tenancy Commission undermining the very principle of the bill that he is bringing in.

I commend the minister. He is trying to do his best. He is, unfortunately, not the Minister of Municipal Affairs and Housing. I wish that the government would make him Minister of Municipal Affairs and Housing. He would not have to bring in this bill and he would enact the appropriate legislation. The Minister of Municipal Affairs and Housing, for the philosophical reason that he is so constipated in his ideology, will not bring in the proper amendments to the Planning Act and clean this up once and for all.

So I have to say to the minister "a good try," but it is not good enough. He has got to go back to cabinet and he has to say to the Premier (Mr. Davis): "For heaven's sake, don't have me do the job of another minister. Don't have me do the job that the Minister of Municipal Affairs and Housing is failing to do."

We will be having some amendments to the bill. I hope that the minister, after all of the friendly things that I have said about him, will enthusiastically look at our amendments. Unfortunately, this basically is a testimony to the failure, not so much of his ministry but the failure of this government, to deal with this problem.

I am reluctant that I cannot support the bill even though it will do something, but very little.

**Hon. Mr. Elgie:** Mr. Speaker, with a great deal of humility and fear I enter into this debate.

May I thank the member for Prescott-Russell (Mr. Boudria). I think we have an understanding. The amendment that I am introducing is in line with the previous bill and the landlord and tenant amendment will replace the mobile homes.

I think one of the first things we have to understand is that tenancy in common and corporate ownership of buildings are long-standing principles which, as the member said, we do not intend to interfere with. This legislation is basically a case for the Consumer Protection Act, consumer protection type of legislation which simply says it is an offence to sell a building to tenants in common if one has led them to believe that they will also take possession of a unit and have a right to own and occupy it. It is illegal to do it.

It is not saying that one then has the right to do other things. It is simply saying that if one wants to sell a building the way we all have for hundreds of years, as tenants in common or whatever other way, one can do it but one must not deceive people. That is all it is.

It is not intended to be anything else and it is not an issue, in my view, that is circumventing municipal bylaws at all. It is simply a matter of its proclaiming that one may continue to sell buildings in the way one has for years, but one cannot deceive the purchasers into thinking they own a chunk of the action and can evict tenants.

Certainly we know that the Attorney General, who had given this House the long-standing view with respect to the Landlord and Tenant Act but it was overturned in the Medeiros case, quickly corrected that deficiency. I look on this bill now as a companion piece of legislation to that.

I would like to explain to the member for Bellwoods that my understanding has been confirmed with the staff who are here, Ralph Lewis and Bob Simpson, whom the member knows. Basically section 60 is now a big loophole.

For example, in the building that the member was referring to on Coe Hill Drive, it is an example of how that loophole was used. It is my understanding there was only one deed to all the co-tenants and the vendor did not retain an interest in the building and therefore section 60 did not apply. In order for section 60 to apply, an owner has to retain an interest in the building and sell off part or all of it but still retain an interest in it. That is what that section is.

The section stopped a lot of transactions for

about a year and a half or so and then people understood that as long as they transferred it, if they held up a lot of options, got options on all sorts of portions of the building and then registered and sold it all at one time, the act did not apply.

What we are saying is that this legislation specifically spells out that it is against the law to tell people that by buying a building as a tenant in common they also acquire the right to occupy a unit and dispossess a tenant of his rights. One cannot do it. If one does deceive somebody in that way and it is before the deal has been finalized, the deal is voidable. If it is after the deal, then one can sue for damages, recovering costs for any inconvenience and for loss of whatever, even for alternative living expenses. In addition, there is a charge to be laid and the details of the type of charge are outlined in the bill.

I have to say that from the point of view of a consumer ministry protecting consumers from misrepresentation, that is what this bill is about. Our staff and I think that this kind of proposal cuts out all the nonsense and imposes civil remedies and penalties on those who choose not to abide by its terms. I would ask all members to support the bill.

**The Deputy Speaker:** Hon. Mr. Elgie has moved second reading of Bill 113, An Act to regulate Conveyances of Dwelling Units in Residential Complexes.

All those in favour will please say "aye."

All those opposed will please say "nay."

In my opinion the ayes have it.

Bill ordered for committee of the whole House.

9:10 p.m.

House in committee of the whole.

#### RESIDENTIAL COMPLEX SALES REPRESENTATION ACT

Consideration of Bill 113, An Act to regulate Conveyances of Dwelling Units in Residential Complexes.

On section 1:

**Mr. Chairman:** Hon. Mr. Elgie moves that clause 1(e) of the bill be amended by adding to the end thereof "and a mobile home park as defined in part IV of the Landlord and Tenant Act."

**Mr. Boudria:** Mr. Chairman, I would like to speak briefly in favour of the amendment. I thank the minister for bringing forward the amendment, which he and I have discussed



previously. The thrust is to provide better protection for mobile home park residents. I would like to take a moment or two to describe a situation in my constituency.

There is a mobile home park in Orleans, known as the Bellevue Mobile Home Park. It is owned by a few individuals, one of whom is Brian Cameron, the Conservative candidate in Ottawa Centre in the 1977 provincial election; the other individual is a fellow by the name of Sal Kahn.

**Mr. McClellan:** "Con" as in "con man"?

**Mr. Boudria:** It is not spelled that way; I will leave it at that and let the member for Bellwoods make his own judgement, once I have explained the situation, as to whether that description of the individual is adequate.

There has been an almost continual problem in Bellevue Mobile Home Park for a number of years, with various tenants being shortchanged, I will say, without trying to use more colourful words, by their landlord. They are just totally deprived of any kind of decency in services. They go for days without water, with a defective sewage system and a whole assortment of just about everything that can go wrong in a landlord-tenant situation.

The residents of that park have complained to my office on many occasions and with very good reason. Last year they had their water disconnected, I would say deliberately, by the owner for a number of days. Subsequently, under an arrangement I made with the regional municipality of Ottawa-Carleton, the tenants of that park plugged the water system into the fire hydrants of the regional municipality to obtain water, an arrangement that lasted a number of days until it was discontinued.

The owners of this park decided lately they were going to sell this mobile home park. Let me describe the mechanism by which they would sell. First of all, they went to the township and said, "We want to sever all this in lots." They got laughed right out of the place, of course, because they were not providing any services. The place was just a shambles and they just wanted to unload the mess on the municipality, which would then have to build the roads, sewers and everything else the place should have with the huge rents they are charging.

In any case, this not being possible, these individuals decided they would sell shares in the park to people who wanted them. Those people who wanted the shares would have the privilege of putting a home on one of these lots. What they were doing was exactly the same thing the

minister is trying to prevent. It is very interesting that this has happened at this time.

When they erected a sign that said, "Lots for Sale," I was very concerned. First of all, they did not have any lots; so they could not possibly sell them. In fact, what they were doing was selling shares in a company. They handed out a little document to potential buyers, telling the people: "It is going to cost this much to fix the sewers, this much to do this and this much to do that. You are going to finance this, once you have bought your individual lot. That will cost you so much a month, the maintenance is going to be so much, and that is your total cost."

I had a look at one of these documents and became very concerned. As far as I was concerned, that thing was a prospectus. I phoned the Ontario Securities Commission and I described what I had seen to the ministry person, Mr. Leybourne. Needless to say, he was not too pleased. In this instance he managed to get them stopped. He promptly telephoned them and told them to cease what they were doing immediately and threatened them with issuing a cease-trading order. That night, when I flew back to Ottawa and then drove back to my riding, I drove in front of the park and they had put a large piece of cardboard over the "Lots for Sale" sign.

Needless to say, his official was quite quick in that instance in telling them to cease what it was they were doing. They did cease voluntarily at that point, so we never did get to find out whether they could have got away with whatever it was they were doing. They did volunteer to quit that sale operation that they were referring to, recognizing of course that they were not really selling the lot but were merely selling a share of the ownership in the facility.

We managed to stop it that time. Had they not stopped of their own accord, there would have probably been a requirement to have Bill 113 with its amendment to ensure that those people would be covered. Obviously, this is not the first time this happened. If it has happened in this park, I am sure it has happened elsewhere. If it has not happened elsewhere, I am sure it would have, without having this bill and this amendment.

Again, I would like to thank the minister for bringing the amendment forward. I am sure the resident of Bellevue Mobile Home Park and all other residents of mobile home parks will be appreciative.

In closing, I think it is important to understand the plight of the people living in those parks. The expense they have to go through in



order to relocate is very large. To move a mobile home costs in excess of \$1,000. The other important feature is the fact that the present Landlord and Tenant Act does not afford a protection of any longer than 120 days for residents of that park in the event of a closure or in the event that the owner of a lot wants to use it for himself. In other words, residents are quite vulnerable to being relocated on a 120-day-notice type of affair.

I am sure the minister and everyone else will recognize that it is very difficult to move a mobile home in the winter or spring months, in the spring thaw and everything else. Anything we can do to protect them is certainly going to be very helpful.

We should do much more to protect residents of mobile home parks but this is one small step. I hope we can keep those mobile home residents in mind whenever we deal with landlord and tenant situations or whenever we deal with housing situations.

I am sure the Minister of Municipal Affairs and Housing is listening attentively to this to pay close attention to the plight of mobile home parks. If we do that and try to provide better quality legislation for the protection of these people, it will be better for all of us. Of course, there is nothing wrong with mobile homes per se, what is wrong really, in my view, is the fact that legislation does not protect them nearly as much as it should.

**Mr. McClellan:** Mr. Chairman, we will support the amendment to clause 1(e) adding "mobile home parks." After all the words that have been spent and all the ink that has been used in printing about mobile home parks, I do not understand how the minister could bring in legislation that would ignore mobile home parks in 1983. What a terrible oversight; I am shocked.

9:20 p.m.

It does not deal with the principal concerns I have as to whether or not Bill 113 addresses the issue adequately. I have to tell the minister, reluctantly and with tears in my eyes, that he has failed to convince me. But we can discuss that when we get to section 2.

In the meantime, we are amazed that the ministry has once again, for the umpteenth time, ignored, neglected and omitted mobile home parks. We hope this is the last time we have tenant protection legislation that forgets about mobile home parks. Does the minister not

have any northern members, eastern members or western Ontario members?

**Hon. Mr. Elgie:** Lots of them.

**Mr. McClellan:** How come they never tell him about mobile home parks? Are they deaf and dumb? I am at a loss.

**Hon. Mr. Elgie:** He has got the only one with the problem.

**Mr. McClellan:** I am amazed.

Motion agreed to.

Section 1, as amended, agreed to.

On section 2:

**Mr. McClellan:** Mr. Chairman, I do not have any amendment to section 2, but I want to raise a couple of questions about what is happening in section 2.

May I simply ask the minister why is he allowing any form of occupancy agreement outside the purview of the Condominium Act? What he is saying is that an occupancy agreement will, in effect, be valid under certain conditions outside the purview of the Condominium Act.

**Mr. Rotenberg:** No, it is not.

**Mr. McClellan:** An occupancy agreement will be valid under Bill 113. This is nub of my concern. The minister is saying a new kind of occupancy agreement is permitted. First, it is permitted if the vendor provides full information with respect to the state of existing landlord-tenant law, if he tells the purchaser exactly what the state of the law is and provides full and accurate information. Second, if the purchaser does not exercise his option under section 4 to void the transaction or to sue, then he is saying, "Okay, we have a new kind of occupancy agreement."

The minister is not making the kinds of occupancy agreements that are described in this bill illegal; he is not saying they are illegal and that they cannot take place. He is simply saying there are certain terms and conditions that have to be fulfilled: first, full disclosure of accurate information to the purchaser, and second, time for an opportunity to exercise the purchaser's discretion to void the transaction.

Let us assume that both these conditions are fulfilled. Mr. Kowalsky at Lennox Realty tells the Polish immigrant, who has just arrived in Canada: "These are the terms and conditions of our laws for the time being. If you purchase this apartment under this arrangement with this occupancy agreement, you cannot evict somebody who lives in apartment 105 at the present

time. I am telling you this. You cannot evict the tenant because he is protected under the Landlord and Tenant Act, but when the tenant moves out, that is another story."

So the guy buys the apartment on speculation against the time when the existing tenant will move out. There is a de facto occupancy agreement built into the arrangement. We are talking about a new kind of occupancy arrangement, as I understand it. We are not talking about an occupancy agreement under the terms of the Condominium Act. We are talking about some new category of occupancy agreement which follows upon the conditions that are set out in sections 2 and 4 of Bill 113. Assuming that section 2 and section 4 provisions are complied with, then I am quite convinced it is possible for a new kind of occupancy arrangement under tenancy in common to be entered into.

I may be stupid, but I thought we had said occupancy agreements will take place within the purview of the Condominium Act, the Co-operative Corporations Act or the Landlord and Tenant Act.

**Mr. Rotenberg:** Section 21(a).

**Mr. McClellan:** Why does the member for Wilson Heights (Mr. Rotenberg) not keep quiet? If he wants to get up and speak, let him speak. I am getting sick and tired of this kind of interjection from this member.

**Mr. Chairman:** Order. Carry on.

**Mr. McClellan:** I am talking to the minister. We have understood there are three kinds of occupancy agreements in this province that are legitimate, those under the Condominium Act, the Co-operative Corporations Act and the Landlord and Tenant Act. Fill me in if I am wrong. I do not think I am wrong. I think those are the three legitimate forms of occupancy relationship.

My concern is that I see a fourth form of occupancy relationship or occupancy agreement under this statute. I am quite convinced I am correct. I have consulted with people in the community and the tenant movement, and they agree there is a problem here. We are dealing with loopholes, I understand that, but we are dealing with loopholes under section 60 of the Condominium Act that sharpies have managed to discover and exploit. This is the problem we are trying to confront.

I do not think the minister has solved the problem, with respect, by the provisions of Bill 113. The minister has simply sanitized the loophole. He has said, "We have a loophole here

and we have to clean it up, so we will go the traditional route of consumer protection, which is the provision of full and accurate information." The guy provides full and accurate information. So what? The loophole is still there. It seems to me that the minister has to go back to section 60.

I do not pretend to have the expertise to come up with the legal language to close the loophole, but it seems to me the minister was more on the right track with section 60 of the Condominium Act than he is with Bill 113. He is, in effect, setting up a fourth category of occupancy agreement under this bill now, not under the Condominium Act, not under the Co-operative Corporations Act and not under the Landlord and Tenant Act, but under Bill 113, An Act to regulate Conveyances of Dwelling Units in Residential Complexes.

If a guy provides the information and gets through the waiver period, all he faces is perhaps potentially some kind of lawsuit. But the transaction is valid, the purchaser is stuck with the deal, and there is a new kind of occupancy arrangement that is not given the protection of the Condominium Act, the Co-Operative Corporations Act or the Landlord and Tenant Act.

Again, I yearn to be convinced that I am wrong. At this point, I do not understand how I am wrong. The minister has to convince me.

**Mr. Cassidy:** Mr. Chairman, I have an amendment to move, but if the minister is replying to the member for Bellwoods, I will wait. I just do not want to go off section 2.

**Mr. Chairman:** No, we are not leaving section 2. The table has an indication the member has an amendment.

9:30 p.m.

**Mr. Cassidy:** Mr. Chairman, could the minister respond to the question?

**Hon. Mr. Elgie:** Mr. Chairman, I would say to the member for Bellwoods there are some fundamental problems he has with this bill, not because of this bill but because he would like to see it dealt with another way. I understand that. In spite of the views he has about whether or not people in today's society should own property, the principle of tenancy in common goes back for centuries. It is not a new principle.

The new principle that came up to try to get around some of the regulations and laws existing in Ontario was the co-tenancy agreement—a right to own and occupy and evict any existing tenant. That was a problem. The people who



are now having problems are in difficulty, not because they are owners or tenants in common but because they are owners or tenants in common who were led to believe they could evict a tenant and take possession and control of the unit as their own unit. The ads were very clearly saying, "Buy your own apartment or condominium." That is what the problem was.

There is absolutely nothing wrong in my view, barring a desire by some to change planning legislation with respect to this type of ownership, and I do not sense any desire to do that. It is an age-old concept. Barring that, if a group of people owns a building together and it contains an empty unit, and the group sits down and says, "Well, one of us would like to live in it," that is not the scam or the situation we are trying to address in this bill.

What we are trying to address in this bill is the terrible situation that some people have found themselves in after having bought a building as tenants in common under the representation they own and can occupy a unit and evict anyone who is in it. That is what this bill addresses.

**Mr. McClellan:** Just so I understand the minister, is he allowing a form of occupancy agreement which is outside the purview of the Condominium Act?

**Hon. Mr. Elgie:** We are not creating a new type of ownership of buildings. We are saying the centuries-old concept of tenancy in common is preserved—because we have no intention of doing away with it—but if one is going to sell one's interest in the building to a group of people, one cannot deceive them into thinking they have any right to evict people and take possession and control of that unit.

If three or four families own a building together and a unit is vacant, there is no reason in the world they cannot agree on which one of the group might live there, but in living there the person would not acquire ownership of that portion of the building.

**Mr. McClellan:** The minister is then saying it is legitimate to have forms of co-ownership that are outside the terms of reference of the Condominium Act, the Co-operative Corporations Act or the Landlord and Tenant Act?

**Hon. Mr. Elgie:** With the greatest of respect, we can play back and forth as often as we want; the member's tune will be the same as my tune will be the same. This law prohibits deceiving people into thinking that by signing a co-tenancy agreement they are buying a building in which,

as individual owners, they have rights to units and can evict tenants to do it.

I am not talking about people who buy an empty building and agree among themselves who will live in it. We are talking about protecting the rights of tenants, confirming the legislation my colleague the Attorney General brought in. We are preventing people from being deceived into thinking they have the right to evict people from their homes and to acquire that piece of the building as theirs. We are not giving them the right to occupy and dispossess others of it.

**Mr. McClellan:** I agree with the minister, not to belabour the point, but I feel very deeply he is not eliminating the kinds of scams he is obviously trying to eliminate. It will be possible for people like Kowalsky and Lennox Real Estate to continue the kind of scam they have been engaged in.

**Mr. Shymko:** No, not as easily.

**Mr. McClellan:** The minister shakes his head. I am simply speculating. I may be wrong. I hope I am, too, but I do not see how I am. This is my problem. I do not see where the legislation is to protect the men and women who have been ripped off by Lennox Realty. All they have to do is vary the scam slightly and say, "You cannot evict the tenant who lives there now, but when the tenant moves out you can move in."

We are talking about an occupancy agreement with respect to specific units which is not covered by protective legislation. It is not covered by the Condominium Act, by the Co-operative Corporations Act or the Landlord and Tenant Act.

**Mr. Philip:** It is not covered by the Planning Act.

**Mr. McClellan:** My colleague the member for Etobicoke says it is not covered by the Planning Act. More important, those three pieces of legislation do not protect the consumer with respect to these kinds of purchases.

I am loathe to make predictions, but this is one I will make. We are going to be back here in a year or two looking at the latest variation on the age-old scam. It is all very well for the minister to talk about the age-old tradition of tenancy in common. It is like talking about the age-old tradition of landlord and tenant, which was a kind of medieval master-servant relationship until we modernized the legislation in the middle 1970s. I do not care how old the stuff is.

So it is feudal; that is wonderful. I thank the minister very much. We will tug our forelocks and thank him for the courtesy of providing us



with yet another piece of feudal legislation. Either the minister will modernize it or he will not. By modernizing it, that means he will bring specific legislation forward that provides specific protection.

My concern is that I do not know where these protections are in these kinds of situations. I know where the protections are under the Condominium Act, I know where the protections are under the Co-operative Corporations Act and I know where the protections are under the Landlord and Tenant Act. This is a new category; I am telling the minister that. It is a new category that is being created tonight. There are no protections. Sooner or later the minister is going to have to confront that.

I do not care what his staff tells him. His staff has a genius for being infatuated by medieval legislation. I cannot help that. They are very nice people. I know his staff and I like his staff, but they are medievalists. I know; I was educated by medievalists.

**Hon. Mr. Elgie:** They are traditionalists.

**Mr. McClellan:** Traditionalists or medievalists, what is the difference? I received the finest medieval education money could buy. I know what I am talking about. The minister has a real problem here and we are going to be back some time in the future trying to adjust ourselves to the latest scam. I am telling him that.

**Mr. Nixon:** Did they teach you oratorical gestures.

**Mr. McClellan:** Modelled after a bird in flight. But a word to the wise is sufficient. If the minister does not want to accept our advice, he will not accept it.

**Mr. Rotenberg:** Mr. Chairman, because I have had a similar problem to that of the members opposite with people living in my riding who have been involved in a scam, I am concerned with this legislation. When I read it, I was satisfied the legislation does plug the loophole.

Now that the member for Bellwoods has raised the point, I would like to indicate how I read the bill and see if the minister or his staff would confirm my reading of the bill. If the member for Bellwoods is correct, then maybe there is some problem with the bill.

Subsection 2(1) says: "No person shall sell or offer to sell, an interest in respect of a residential complex to a purchaser who is led to believe,

(a) that, along with the interest, he is acquiring the present or future rights to occupy a dwelling unit in the residential complex."

9:40 p.m.

To me, Mr. Chairman, that is quite clear. In my opinion—and I would like the minister to confirm it if he agrees—that rules out any kind of new or old occupancy agreement. It simply says that if, in the agreement or in the promotion which is not part of the agreement, the purchaser is led to believe he has a right at the present or in future to occupy units, then no person shall do that. He is subject to a major fine, and it gives a purchaser the right to withdraw or, if he does not find out about it until later, the right to sue for damages and probably get his money back.

What the member for Bellwoods seems to be hung up on, and I do not know if it has been answered completely, is this idea that when a tenant moves out then a purchaser or someone may have a right to get the unit. My interpretation of the Landlord and Tenant Act is that under that Landlord and Tenant Act, where a tenant has full right of occupancy and right of tenure, and the tenant moves out, the landlord then, if it is just a single owner, has the right to move any person he wants into that suite.

It would seem to be the same principle whether the owner is an individual, a corporation or a group of tenants in common. The only time that an owner can move in himself or can move in any person he chooses, is under the Landlord and Tenant Act, when a tenant who has right of tenure moves out and the suite is vacant. Then the tenants in common, or the individual owner under the same rule, can move a tenant in.

Am I correct in my interpretation that clause 2(1)(a) in effect says that either in a verbal agreement or in an agreement or promotion, no person in this kind of scheme can tell a prospective purchaser that in the present or future he has any right to occupy a unit and that under this therefore there can be no type of new occupancy agreement?

**Hon. Mr. Elgie:** Mr. Chairman, the member is correct in that he will not be selling with a co-tenancy agreement giving him any right to it, but that does not say that if a group of people bought an empty building they could not agree among themselves that they could occupy specific units but not own those units. They cannot be deceived into thinking they own a unit for their sole occupancy and that they have the right to evict any tenant who is there.

**Mr. Cassidy:** Mr. Chairman, I have been waiting for this debate for a couple of years now and I want to join with my friend the member for Bellwoods in saying that the minister has taken

only a part of a problem and come up with a solution, but he certainly has not solved the whole problem.

The minister indicates that tenancy in common is time honoured and goes back into the mists of time in respect of property ownership in Britain and that kind of thing. My friend the member for Riverdale (Mr. Renwick) would probably assure me that this is the case. However, that kind of tenancy in common is more common in recreational complexes, cottages on islands and agricultural situations or, as the minister says, where perhaps three or four families or individuals co-own a piece of property. Often we might find a situation where, let us say, a family buys half a dozen or a dozen acres and then splits it among various members of the family, who put up residences and live in a tenants-in-common type of relationship.

What is new has been the development, as a means of evading municipal controls on condominiums and evading the Condominium Act, of these kinds of ersatz co-operatives, equity co-ops—I do not know what the devil they are called; they have all kinds of names, such as the ones my friend the member for Bellwoods indicated.

The minister knows that this does not represent a clear and logical continuation of the tradition of tenancy in common as it has been practised in this country; it is something that is quite new. It is something that emulates a condominium but is not a condominium. Of course, the reason it is not a condominium is that the developer finds there is money to be made by going this route; and quite probably they were blocked from creating a condominium for all of the good reasons there are controls on conversion of existing large multi-unit buildings into condominiums.

I think the minister is naïve in several respects and those are indicated in section 2. The first is that he says, if there are three or four occupants, then no problem. But that is not what we are talking about. We are talking about multiple units; we are talking about a sufficient number of units that it is not possible for the people to meet on a face-to-face basis and sort out their problems; that is, up to maybe eight or nine people. The minister also says the problem is the people who buy and then find out that they did not get what they thought they got, because they got an interest in a building but it did not have with it the right to actually move into the unit as they thought.

That problem is addressed in the bill but the

minister does not at all address the problems of tenants who happen to occupy the building. From my experience in my riding, those problems can be intense, anguished and very difficult. Grave injustices have been done and will be done in the future under this bill because all the problems have not been thought through.

If this government was truly concerned about tenants, it would be concerned about the plight of those tenants who have the misfortune to live in a building in which the interests in common are sold. Instead of being a tenant of ABC Holdings or whatever the name of the company was, that tenant is now paying rent perhaps to the company, or perhaps even conceivably to an individual, who has acquired an interest in the building and a specific interest in that particular unit. That is what happens.

If the investors are like the people in the building my friend the member for Bellwoods mentioned, they have a feeling that unit is rightfully theirs. They paid out \$60,000 or \$70,000 for it in some cases. They may well be paying far more in mortgage and other costs for that unit than they are receiving in rent; therefore they have to pay out their own cash every month in order to make up the difference between the expenses and revenues. They feel it is wrong that the tenant should be able to stay there when they see this unit as being theirs. The fact they are told in advance, according to this bill, is not going to change that situation.

I lived in England in the late 1950s and am familiar with the situation created there because of the rent freeze that was British policy at the time. People living in rent-controlled units would become tenants of purchasers of a building. The purchasers of the building would be waiting until they could get rid of the tenant in order that they could either resell the whole building on a non-rent-control basis or perhaps get rid of the tenant and occupy that space themselves.

In one situation, an old lady would be living in a couple of rooms on the top floor of a house. A young family kept on having kids and wanted the space. They did everything possible to make life miserable for that old lady to get her out. Or there was Rachmanism. A landlord would get a bunch of toughs to move into the empty units of a building. They would raise hell, rape, pillage, drink and have parties all night until they finally gave the people in the rent-controlled units such a headache they would feel they had no choice but to move out for their own peace of mind.

That is what happened in Britain. That is what will happen and what continues to be a



possibility under the bill the minister has introduced here.

I want to talk about a particular situation in my riding and I point out to the minister that his bill would not have affected that situation. I am speaking of the Mayfair apartments on Metcalfe Street in the middle of my riding. It is a fine old apartment building with middle-class rental accommodation. About three years ago it was taken over by a young sharpie, an entrepreneur, who decided he would evict the tenants, sell the units in common in this kind of arrangement and make lots of money.

The tenants were under rent control and they had tenure so he had to get them out. He decided he would make some renovations to the building. He would take some of the small units and join them to others in order to create larger apartments that might be more marketable. Quite arbitrarily, without consulting the tenants, he decided the plumbing needed to be replaced. The reason he wanted to replace the plumbing was because that is a sufficiently major renovation to evict the tenants under the Landlord and Tenant Act. That is exactly what he did.

The tenants may have a right to return in after the renovations are complete but, as the minister should know, that right is a fiction, particularly because rents are raised thereafter. If the unit is occupied by an owner-purchaser who bought an interest, then the tenant can do nothing about it at all.

**9:50 p.m.**

In this case, all but a handful of tenants were evicted. A few tenants hung on because they pointed out they were quite prepared to put up with a few weeks of renovations in order to keep their apartments. I think the last tenant moved out a few months ago. Now the units that used to rent in the \$500 or \$600 range and provided comfortable, decent, solid accommodation are on the market for \$125,000 apiece.

The combination of the abuse of the Landlord and Tenant Act and the use of this device meant that landlord was able to get his way, and the landlord, the owner, would be able to get his way today if this bill was adopted, because no matter what he had to tell the tenants or the new owners, the fact is those units would be vacant because of the loophole in the Landlord and Tenant Act. So what the minister will generate is a whole series of phoney renovations just sufficient to justify evicting the tenants in order to get away from the provisions of section 2 of this act.

My colleague from Etobicoke is going to move a motion saying these things should not be allowed to be transacted unless there is municipal consent. It seems to me, if there is a kind of a pseudo-condominium, some new form of multiple unit ownership, which has suddenly started to spread like wildfire rather than being a kind of a curiosity in the law and something used in rural Ontario, if there is something new, at the very least it should come under the same strictures as condominium conversions of older buildings. We quite rightly say in Ottawa and other places that an older building cannot be converted to condominiums unless there is municipal consent or unless the vacancy rate is over a certain level, three or four per cent.

That rule is there to protect tenants. What this piece of legislation does, as my friend from Bellwoods says, is to legitimize something that was going on already. It will be clear to anybody who looks at the law, if a lawyer looks at the law, that having legislated once, the minister is not going to go ahead and legislate again and, therefore, the sky is the limit. Since they heard me say it in the Legislature, they will simply get some renovations going and that will be fine. There is lots of money to be made by ripping off tenants that way.

My friend from Bellwoods also pointed out, and I support him, that by legitimizing this device, the minister is creating a kind of old-fashioned joint stock company within which there is not the means to regulate such problems as what happens when one of the owners in common does not pay up on his common costs for this phoney co-operative? What happens if one of the mortgages is foreclosed? What happens if somebody does not pay the cost of the mortgage they meant to contribute? Litigation is costly and it takes years to go to the courts. In the meantime, the whole building could be jeopardized. All the unit holders under this arrangement could be jeopardized, including the people who had been paying their share, if a handful of the occupants decided not to pay up on their mortgages and the mortgagor foreclosed on the whole building.

What happens if a developer develops one of these things, prices it too high, sells a third of the interest and cannot sell the rest? Then those people who bought, who might have had protection under the Condominium Act, will find they have absolutely no protection at all. They are minority shareholders in an enterprise whose chief shareholder may well only be interested in



saving his skin and making a lot of money at their expense.

How do you regulate disputes if the developer perhaps has sold units on the same floor, in one case to a rock star, and next door to a couple of elderly pensioners? How do you regulate disputes in that case? Those questions have not been looked at, and that is why we are saying this bill should not be passed. I know we are talking about section 2, but section 2 is inadequate. It does not solve the problem.

We have a tremendous number of legislative headaches coming up here, but worse than that is the real anguish, not just for people who buy, who can still get into trouble even if they think they know what they are getting into, but in particular for tenants who are going to be evicted quite legally under the loopholes left in the two acts I mentioned in conjunction with this bill.

**Mr. Philip:** I was about to move an amendment to section 2 of the bill. Is that appropriate, Mr. Chairman?

**The Deputy Chairman:** It is quite appropriate now. The honourable member may do so.

**Mr. Philip:** Mr. Chairman, I move an amendment to subsection 2(3) of the bill. I have provided it to the minister and to the chair. Is it necessary for me to read the whole thing into the record?

**The Deputy Chairman:** Yes, absolutely.

Mr. Philip moves the following amendment to subsection 2(3):

"(3) The purchaser of a residential complex must be advised by the vendor whether or not the permission required under subsection 2(4) has been obtained."

Subsection 2(4) is an addition to the bill:

"Subsection 2(4)(a) No person shall convert a residential complex to private ownership with the future right to occupy a residential unit in such property without the approval of municipal council.

"(b) The municipal council shall take into consideration the following factors, among others, when making that decision:

"(i) availability of the residential accommodation of the municipality;

"(ii) the condition of the residential complex;

"(iii) economic and social impact on present residents of the residential complex;

"(iv) proportion of present tenants in the residential complex who have indicated a desire to purchase the shares of a residential complex; and

"(v) the age of tenants in the residential complex."

**Mr. Philip:** The purpose of the amendment which I have spoken to in my opening statement is that I believe it is a basic principle that any alteration of the use of a residential rented building should have the approval of the municipal council. I think this is the principle that is embodied in the Planning Act that gives that power in the case of conversions to condominiums.

All we are saying is that there may be some small buildings where the tenants want to buy the building from the landlord, or there may be other instances where there may be some kind of justification, but in the majority of buildings, such as the ones in the Lakeshore area of Etobicoke, the council clearly would not have given permission. Indeed, the minister, if he had had any say in it, would not have given permission, nor the previous minister for that matter, and I see the previous minister sitting there.

All I am trying to do is to give some power under this act to the municipal councils to look at a proposed conversion or a building that is in the process of being converted and to pass a judgement on that.

I am the first to admit that the best way to handle this would be under the Planning Act, but the minister has clearly stated, as has his parliamentary assistant, that—indeed, he has shown in relation to Bill Pr13 and its predecessor Bill Pr3, that he does not want to interfere in what he considers to be the primary right of property owners.

Therefore, I am hoping that since this minister tends to be a little more progressive than the Minister of Municipal Affairs and Housing (Mr. Bennett) he may accept this amendment as a back door way of doing what really should be done under the Planning Act.

I do not want to speak further on it and I hope we can have a vote on it.

**Mr. Boudria:** Mr. Chairman, we have been looking at this amendment and I find it somewhat confusing.

First of all it states, "No person shall convert a residential complex to private ownership." That seems to suggest it was under something other than private ownership prior to the conversion in question and I am not quite sure what that would entail. What is the other form of ownership? Would that apply only to a building that was in public ownership that is now transferred to private ownership? The way it appears it is difficult to understand.

The second question I have is in the second line—

**Mr. McClellan:** You never understood it and you never will.

**Mr. Boudria:** Maybe the honourable member could explain how this amendment would work, since he drafted it.

The second line of it talks about the future right to occupy a residential unit. If I buy a triplex, a three-apartment building, surely I would like to have the right to occupy one of them for myself. As far as I can read this amendment, it would mean I would not be able to do that. In its present form, unless I am offered better explanations, I do not think I could support this amendment.

Interjections.

**The Deputy Chairman:** Order, please.

10 p.m.

**Mr. Cassidy:** Mr. Chairman, I do not want to prolong this, but I think this is a good amendment coming from my friend the member for Etobicoke (Mr. Philip). He has faced the problem which we have been talking about in his own riding. I quite admit that it does not make this an ideal bill. It is not an ideal bill to begin with, as my friend the member for Bellwoods (Mr. McClellan) has pointed out. But at the very least, if the municipality has the power to intervene, there is somebody, apart from the developer himself or herself, who is looking at the social acceptability of this conversion.

If it is a building up at Bathurst and Eglinton which has 150 senior citizens living in it, I do not think it is right that those people should be evicted in order that one of these tenants in common should be put in. Or that the people there who have a stable landlord situation should then be faced with the kind of unstable situation I mentioned, where there is a bunch of very hungry owners waiting for them to pop off, conspicuously hanging around the corridors looking at the life expectancy tables and hoping that they will have to be taken away to nursing homes. That is what will happen with this arrangement which the minister is endorsing.

It seems to me that the municipalities also are in a position where the public can get to them and talk to them in a way that they cannot get to this government; they can indicate where the problems are and can bring political pressure in order to stop the rampant conversion into private ownership of rental property which is suiting the needs of people on low and moderate incomes.

So I would hope, as my friend said, that the minister would be prepared either to accept this amendment or to hold the matter over for a few hours while the drafting is looked at in order to ensure that it meets the standards of the minister's bureaucrats—accept the idea in principle and then let the House come back in a day or two to do it in actuality. Because it should be accepted; it is the very minimum protection for tenants that should be involved in this bill.

**Hon. Mr. Elgie:** Mr. Chairman, we on this side of the House cannot accept this amendment for a variety of reasons. First of all, it assumes that there is municipal approval, for example, to change the nature of a building and to change the tenants of the building.

This bill does not deal with the issues that are addressed in the amendment and we all know it. This bill is aimed at spiking a situation where there is misrepresentation and where people who purchase as tenants in common are being led to believe they will own a particular unit and have the right to evict anyone who is living in it. That is what the bill is aimed to do. It is not aimed at creating some law dealing with conversion to another use. Not at all.

I have to tell members quite sincerely and quite frankly that, after many discussions about this, I think it would be a very unwary group of people who would purchase a complex of this size with any honest belief that in any reasonable period of time they would ever achieve occupancy of a unit. I have already heard some people who are upset with this bill. I have heard rumours. So I have to tell members that I think it will achieve its purpose.

**Mr. Wildman:** Let the minister not be intimidated.

**Hon. Mr. Elgie:** I am not even intimidated by the member, to tell him the truth, if he wants me to be frank and honest about it.

This bill will serve the purpose for which it is intended. Whether or not abuses will arise in the future—we passed section 60 thinking it would solve the problem but it did not. Now we are proposing another measure to protect consumers from being subject to misrepresentations. That is what we are aiming at doing, that is what this bill does, and I cannot accept the amendment.

**The Deputy Chairman:** Mr. Philip has moved an amendment to section 2. Is it the pleasure of the House the amendment carry?

All those in favour will please say "aye."

All those opposed say "nay."

In my opinion the nays have it.

Motion negatived.



**Mr. Cassidy:** The Liberals are voting with the government on that amendment. Is that correct?

**The Deputy Chairman:** All I listened to is ayes and nays.

**Mr. Cassidy:** I just want to confirm that the Liberals—

Interjections.

**The Deputy Chairman:** I am not confirming anything.

**Mr. Cassidy:** The Liberals voted against the tenants and with the government on that amendment. Let us just get it straight.

**The Deputy Chairman:** All I did was listen.

**Hon. Mr. Elgie:** Let me confirm that we are all supporting the tenants in this issue.

**The Deputy Chairman:** All I can tell the minister and honourable members is that the amendment is lost.

Are there any other amendments to section 2? Shall section 2 carry?

**Mr. Kerrio:** Mr. Chairman, on a point of order: Did I hear some of the members of the New Democratic Party vote against that amendment? I thought I did. They do not care about the tenants.

**The Deputy Chairman:** That is not a point of order. The honourable member knows by now that is not, by any means, even close to being a point of order.

Sections 2 agreed to.

Section 3 agreed to.

On section 4:

**Mr. McClellan:** I move that section 4 be amended—

Interjections.

**The Deputy Chairman:** Is this an amendment? It is customary that a copy be delivered to the table.

**Mr. McClellan:** This is about to happen.

**The Deputy Chairman:** Please do so.

**Mr. McClellan:** If I had not been heckled from the chair, you would already have it.

**The Deputy Chairman:** It is not heckling, it is the procedure to be followed.

**Mr. Kerrio:** Some people are so honest.

**Mr. McClellan:** Is that a confession?

**The Deputy Chairman:** Order, please. The member for Bellwoods is about to move an amendment.

**Mr. McClellan:** I thought I was moving the amendment, but that was before I was shouted down, Mr. Chairman.

**The Deputy Chairman:** Mr. McClellan moves that section 4 be amended by deleting, in the second and third lines, "up to the time the transaction is complete."

**Mr. McClellan:** Mr. Chairman, I do not understand this little weasel clause, "up to the time the transaction is complete."

What we say in section 2 is that it is illegal to sell or offer to sell an interest in respect of a residential complex where the purchaser is given false information. No person shall sell or offer to sell if false information is provided. That is very clear in section 2. "No person shall sell or offer to sell."

However, in section 4, if they do sell or offer to sell and provide false information and deceive the purchaser, the transaction is only voidable up to the date of closing. In other words, the transaction is legal unless the purchaser exercises an option prior to the closure date.

Where I come from those are weasel words. There was a short closing date in the case of 100 Coe Hill Drive. They had a very short closing date. They had a number of people who were deceived with respect to their rights. They were misled with respect to the terms of the purchase and their rights to occupancy and they were told they could evict tenants if they purchased this apartment. We have a piece of legislation that is supposed to prevent that from happening and, lo and behold, it has the escape clause in section 4 that these kinds of purchases are voidable only up until the date of closing.

We cannot have it both ways. Either these kinds of transactions are illegal or they are legal. Am I missing something here? I do not think so. All he is saying is that they are legal under certain conditions. The condition is that the purchaser has to somehow clue in that he has been conned before the closing date. That is not going to happen. If people are in the position where they are susceptible to this kind of con, this kind of scam, they are not going to twig the fact that there is a short closing date. They are going to be stuck with the purchase.

10:10 p.m.

I do not understand. If the ministry is serious about making these kinds of transactions impossible, why is the escape hatch there only up to the time the transaction is complete? I hope that at the very least the ministry will accept this



amendment that these kinds of transactions are illegal.

I do not know whether the minister is paying any attention. Is he?

**Hon. Mr. Elgie:** Yes, I am listening.

**Mr. McClellan:** I think that if this kind of amendment were put forward, these kinds of transactions could not be registered. I am no expert, but I suspect that if the legislation were tightened up to simply make these kinds of transactions illegal, then they could not be registered; they could not take place. If they cannot be registered, they cannot take place. If they are voidable at any time, they will not take place.

But if they are legal—assuming that if the ripoff artists can get past the closing date, they become legal—then they will continue to take place. As we have said earlier in the debate, people will make the argument: “You will just have to be patient. Sooner or later this apartment, to which you have purchased the occupancy entitlement, will become vacant, and you will be able to move in. Just be patient; do not bother to sue us, because you are going to lose your \$20,000 or \$40,000 investment. This is all you have in the world. What do you want to sue us for? If you sue us, you will lose everything. If you be patient, just hang on and hold tight, eventually you will be able to move into the apartment.”

I am absolutely convinced that these scams will continue unless the minister makes them illegal. My concern, again in a nutshell, is that he has not made them illegal; in fact, he has made them legal. He has set the terms and conditions under which this kind of scam can continue and will persist.

Is the minister prepared at this time either to accept this amendment or, if he is not satisfied with the language of the amendment, which admittedly is rather ad hoc, to stand the bill down for this evening, consult with his officials and perhaps come back at the beginning of the week or before we adjourn for Christmas? We are anxious to pass this legislation before we adjourn for the Christmas break. Is he willing to do that and come back with something that has more watertight protection in it? I am absolutely convinced that this is as full of holes as Swiss cheese.

**Mr. Boudria:** Mr. Chairman, I have read the clauses as well. The argument put forward by the member for Bellwoods seems to be quite reasonable, and unless the minister can con-

vince us in his explanation that the fear of the member for Bellwoods can be alleviated, we will be supporting this amendment.

I wonder why it was put in there. Is it perhaps to allow the transactions that have already taken place in the past not to be affected by this? If that is the intent, why are they not grandfathered differently?

I have another question on the next line of the bill, and I am sure that a clarification on the minister's part will satisfy me. I might as well state it now, because it is on the same clause. It is the following seven or eight words: “at the option of the purchaser and the purchaser.” I just wonder what that means. It may not be a typographical error; maybe there is an explanation for how that reads. Perhaps the minister can explain that to us at the same time.

**Hon. Mr. Elgie:** Mr. Chairman, the option to declare the transaction voidable is the option of the purchaser, and that purchaser, whether he exercises that option or not, may claim damages from the vendor.

**Mr. Boudria:** Only up until the time the transaction is complete?

**Hon. Mr. Elgie:** No. Suppose he exercises the option to declare the deal void; he can still sue for damages. But if the transaction has been completed and the deed registered, then his option is to sue for damages.

I think there is some misunderstanding here. People think there is no offence. There is an offence. Look at section 5: “Every person who contravenes any provision of this act is guilty of an offence and on conviction is liable to a fine of not less than \$1,000 and not more than \$50,000 or to imprisonment for a term of not more than one year, or to both.”

Clearly, that has nothing to do with section 4. Section 4 is an individual civil remedy. It has nothing to do with whether someone is convicted of an offence for having carried out something that is forbidden under this legislation. It would be simply catastrophic if people were able to start voiding contracts after they had been registered in the registry office in this province.

**Mr. McClellan:** Even if they are fraudulent?

**Hon. Mr. Elgie:** They just could not survive.

**Mr. McClellan:** That is what we are talking about—fraudulent contracts.

**Hon. Mr. Elgie:** My friend should not talk such nonsense. I do not know what they taught him at York University, but at least he should understand that the registrar of deeds has no

idea whether a misrepresentation is taking place; he is accepting documents and guaranteeing the title. For goodness' sake, let us not be silly about it. It is an offence. There is a penalty, and there are remedies provided in keeping with the legal system of this country.

**Mr. McClellan:** Mr. Chairman, what the minister is saying is that under the terms of Bill 113, a contract that is fraudulent with respect to the terms that are set out in section 2 of the bill has to be upheld under section 4 of the bill, if the conditions of section 4 are followed. I cannot accept that. The minister cannot have it both ways. He cannot pass legislation defining a fraudulent contract and then say, "Nevertheless, the contract will stand."

That is not consumer protection. I do not care what the minister says about my capacity to teach at York University; it is not consumer protection. The minister had better understand that. He has not solved the problem he set out to solve. I do not care what his officials have told him. As a lawyer, he makes a better neurosurgeon.

**Hon. Mr. Elgie:** Mr. Chairman, it is very difficult to comment on a remark when the member says whatever I say will not make any sense anyway. But the fact is that he really has not understood the bill. There is an offence. There is a penalty provision. There are remedies in keeping with the stage the process is at.

The member seems to be under some illusion that people who had purchased a portion of a building as tenants in common and suddenly found there had been a misrepresentation would not get significant damages in terms of where they were to live, what they had given up, what they might have lost in the domino effect of selling something to buy this. The member is not talking about a remedy that is feeble. He is talking about damages that may well be worth even more than the purchaser put into the property. It is far from a feeble remedy.

**Mr. Cassidy:** Mr. Chairman, if I could just comment on this, the problem is that justice delayed is justice denied. The remedy may be powerful if, as and when it is achieved, but it can take two or three years to achieve that remedy through the courts. Are the couple or family who have sold their house supposed to sit in a basement apartment for three years waiting for justice to be done? Is that what should happen?

The point of the amendment offered by my colleague the member for Bellwoods is that normally what may happen is people will discover after they have signed that the true

situation is different from what they thought it was. They go rushing off to get a key and find out when the tenants are going to move out. That is when they find out they cannot get in.

Then they turn back and say: "We want to get out of this. Can we do anything?" They finally consult a lawyer. I admit they may have been naive; none the less these situations exist. The lawyer says: "The law says if you had come to me two weeks ago, you could have voided it and you would have been scot-free. You would have got your money back with no problem. But I am sorry, now you are going to have to go to court."

**10:20 p.m.**

**Hon. Mr. Elgie:** They would have to prove a misrepresentation even then to void a contract.

**Mr. Cassidy:** It does not matter about that.

**Hon. Mr. Elgie:** It is the same legal process.

**Mr. Cassidy:** What?

**Hon. Mr. Elgie:** That has nothing to do with the charge being under section 5 and with the penalties under section 5. If one is going to bring a civil action claiming a remedy on the grounds of misrepresentation, it is an action, whether it is to void the transaction or to get damages. It is the same process entirely. The penalty provision with respect to a charge under the act is entirely different. I do not know what you have been studying lately.

**Mr. Cassidy:** With respect, Mr. Chairman, that just simply makes it worse. Now the minister says in order to void it, you are going to have to take some kind of civil action, which once again puts people into the courts. In other words, it is another roadblock in the way of effective implementation of the very limited goals the minister and his ministry have set out in terms of this particular bill. It is just not good enough, and I hope the amendment is adopted.

Alternatively, if he is concerned about these things going on forever, it seems to me that for a period of, say, six months after the transfer takes place and after the deal is closed, that capacity to void should continue. How do you void six months later? You simply reverse the transaction. It is quite clear. If the minister has to word it in some different way—

**Hon. Mr. Elgie:** Come on. You have to go to court to prove you have a case.

**Mr. Cassidy:** The minister is saying you have to go to court anyway. That is probably wrong as far as I am concerned. Certainly, the minister's argument does not hold water. I do not see why, to get justice when they have been defraud-

ed, people should have to wait for years to go through the courts. What kind of protection is that?

We have seen one case today. They were debating for three and a half hours where the courts, on a very serious personal offence, take two years to act. That kind of justice delayed is justice denied. The minister can do better than that.

**Hon. Mr. Elgie:** Much better than you did, I can tell you.

**Mr. Boudria:** I would like one point clarified by the minister if I can get his attention back for a moment.

**Mr. Cassidy:** I will lend you my course books. You can take the course as well.

**Mr. Boudria:** I do not want to get involved in who should go to school where in this place. Maybe we could get back to the bill.

**Hon. Mr. Elgie:** Nobody can deny your brilliance, Michael. Nobody wants to admit it except you.

**Mr. Boudria:** Would I be correct if I stated that the amendment proposed by the member for Bellwoods would have the effect, if one

customer out of a group of 200 investors that was buying a large building felt he had been misled, of causing the whole transaction to be deregistered for the other 199?

**Hon. Mr. Elgie:** A domino effect.

**Mr. Boudria:** Obviously, we cannot support that. I think allowing the due process of law to take care of the situation is far more reasonable.

**Mr. Chairman:** Do any other members wish to participate?

All those in favour of Mr. McClellan's amendment will please say "aye."

All those opposed will please say "nay."

In my opinion the nays have it.

Motion negatived.

Section 4 agreed to.

Sections 5 to 9, inclusive, agreed to.

Bill, as amended, ordered to be reported.

On motion by Hon. Mr. Drea, the committee of the whole House reported one bill with certain amendments.

The House adjourned at 10:26 p.m.



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# **Hansard**

# **Official Report of Debates**

## Legislative Assembly of Ontario

**Third Session, 32nd Parliament**

Friday, December 2, 1983

Speaker: Honourable John M. Turner

Clerk: Roderick Lewis, QC



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# LEGISLATIVE ASSEMBLY OF ONTARIO

Friday, December 2, 1983

The House met at 10 a.m.

Prayers.

## STATEMENTS BY THE MINISTRY

### MUNICIPAL TAX SALES LEGISLATION

**Hon. Mr. Bennett:** Mr. Speaker, today I am introducing for first reading a bill that proposes to establish a new procedure for the recovery of overdue taxes by municipalities. At present, as honourable members know, there are two separate procedures: the tax sale procedure, which was established in this province in 1825, and the tax registration procedure, which was established in 1932.

We believe the time has come to combine the best features of both of these existing procedures into a single new procedure for the recovery of municipal tax arrears. The procedure proposed in the bill I am introducing today will establish an appropriate balance between the interests of the property owner and the municipality and will be reasonably simple and straightforward to administer.

I am well aware that many groups are interested in this proposed legislation, most especially property owners, municipalities, financial institutions and members of the legal profession. For that reason, the bill is being introduced for first reading only at this time so that everyone will have a full opportunity to review the proposal. During the next few months I look forward to receiving written submissions. If there appears to be a consensus in favour of proceeding with the legislation, I would then hope this bill can be considered and enacted by the House in the spring of 1984.

### TRUCKING INDUSTRY REGULATION

**Hon. Mr. Snow:** Mr. Speaker, on June 21 this year I tabled the final report of the Public Commercial Vehicles Act Review Committee, a document that presented four major recommendations upon which it seemed we could base realistic new legislation governing the trucking industry. Today I am pleased to outline to the House our progress towards that goal.

The review committee's final report sketched the ends to which reform should proceed and

the means by which to get there. The government has now had an opportunity to review the report. First of all, I would remind members that what we have been reviewing is a sketch or outline of reform, not a blueprint. What I am here to tell members today is that we are going to go on to develop a blueprint for regulation. What we have now approved is the general direction in which the reforms will proceed. We will be back to the House over the next two years as the legislative details begin to take shape.

Let me now describe the sketch upon which that new legislation will be based. I am speaking of the review committee's four recommendations.

First, we have accepted the statement of objectives and principles contained in section 1 of the final report on responsible trucking. These endorse the objectives of effective goods transportation, private ownership and competition, and affirm the principles of fairness, participation in the local economy by carriers, sensitive and controlled regulatory change to allow, particularly the small carriers, time to adapt and the principle of cost recovery, whereby administrative costs are borne by commercial vehicle and commercial vehicle operator registration fees.

These objectives and principles seem to me to be simple and straightforward, but they are a necessary philosophical base for any new legislation.

Second, we have approved in general terms the mechanisms of regulation that the committee recommended. These include revised entry tests, the simplification of board procedures, the establishment of a commercial vehicle operator registration, licence simplification and improved enforcement.

The third recommendation we have already acted upon by creating the industry advisory group and the implementation steering committee. The first step was to assemble a large industry advisory group, each member of which was nominated by an organization or association concerned with the trucking industry either as a carrier or as a user. This approach was designed to ensure that any reform will not

reflect any one or two special or dominant interest groups.

From this body I have already chosen an implementation steering committee made up of representatives from among the province's shippers and carriers, including the chairman of the Ontario Highway Transport Board and my assistant deputy minister for safety and regulation, Mark Larratt-Smith, who is chairing the committee. These men and women are my advisers in the development of the legislative blueprint we seek. They reflect the shared ownership of the implementation process among government and the various industry groups involved in the highway transportation of goods.

Finally, the government has accepted the principle of a phased implementation of the transition process. The implementation steering committee has already drawn up a tentative work plan, which will see major legislative changes before this House in the fall of 1984, licence changes for existing carriers in the spring of 1985 and full implementation of the reforms by late 1985.

The first step in ensuring this gradual change was taken when I tabled the final report on June 21. At that time, I introduced a two-year control period to distinguish between existing carriers and new applicants and to give existing licence holders first access to the new system. In order to guarantee that preferred access, to ease the transition for small carriers, the mechanism of licence simplification I mentioned earlier is one that must be effected as soon as possible.

Existing PCV licences are full of unnecessary complexity and detail. One of our first tasks will be to streamline the system by developing new licence specifications. That is why I shall be introducing a bill, An Act to amend the Public Commercial Vehicles Act, later this morning. It will provide the mechanism whereby those who held operating licences before the tabling of the report can have their certificates rewritten in accordance with these new specifications, which will be drafted shortly. These rewritten certificates will be the basis for the issuance of new licences when approval has been given to other main components of the legislative change.

To assist with this process I intend to create a rewrite commission, staffed with people credible to shipping groups and especially to the carriers whose licences are being rewritten. The commission will act as advisers to me and help the current licensees take advantage of this opportunity to streamline their certificates. I know it was the review committee's intention,

and it is my hope, that the rewrite mechanism will help smaller carriers consolidate and reposition their business in advance of the new system.

During this transition period, I must add, we shall not forget the importance of compliance. In fact, we are committed to enforcement. Thus, a key subcommittee of the implementation steering committee will work with my ministry on enforcement matters and the development of the commercial vehicle operator registration concept.

I trust I have been able to describe where we are going with our efforts to reform the regulations governing the trucking industry and how we intend to get there. If the process functions as successfully as I feel it will, we should be able to bring new legislation to this House next fall. Until then members may rest assured that my staff, the advisory group and the implementation steering committee will work hard to make sure the blueprint is finely drawn so the resulting legislation will be productive, simple and fair for all concerned.

10:10 a.m.

#### MEMBERS' PRIVILEGES

**Mr. Laughren:** On a point of privilege, Mr. Speaker: As you may know and as I know most of the members of the House know, a mandatory experience rating program which would assess employers differently in the way in which they pay into the workers' compensation fund was recommended by the Ontario government's white paper following from the Weiler report.

For some time now the standing committee on resources development has been debating those recommendations in the white paper. Among those recommendations, we debated long and hard the whole question of mandatory experience rating. The debate ended last night. We finished our discussions on the white paper and on the Weiler report.

The Workers' Compensation Board has announced, before we had a chance—

**The Deputy Speaker:** Is that the member's point of privilege?

**Mr. Laughren:** No, Mr. Speaker.

**The Deputy Speaker:** Order. No one is disallowing your point of privilege. I am just asking you if you could state clearly for the House what your point of privilege is.

**Mr. Laughren:** Mr. Speaker, before we had a chance to present our report to the Legislature the Workers' Compensation Board announced



that a mandatory experience rating program will come into place on January 1, 1984. I believe the privileges of the House, and in particular the privileges of the members of the standing committee on resources development, have been abused by their usurping our report.

We have been spinning our wheels on that committee. The Workers' Compensation Board has decided to go ahead and do it anyway, and I assume they did it with the blessing of the minister, while we were debating that recommendation.

**The Deputy Speaker:** The member has made his thoughts well known. No doubt they have been noted by the appropriate minister.

### TAX GRANTS FOR SENIORS

**Hon. Mr. Gregory:** Mr. Speaker, I would like to provide the members with an important update on my ministry's Ontario tax grants for seniors programs. I am pleased to announce today that the Ministry of Revenue is mailing \$45 million in sales tax grants to 900,000 seniors throughout the province.

**Mr. Boudria:** Are the cheques in the mail?

**Hon. Mr. Gregory:** The cheques are in the mail.

This will mean that seniors will receive their \$50 annual grant payment in time for Christmas. Further information about this mail-out is provided in another in our series of constituency office information bulletins which are being mailed today.

**Mr. Foulds:** I notice you didn't mail it from the constituency office.

**Hon. Mr. Gregory:** Does the member for Port Arthur want the floor?

It should be noted that seniors who turned 65 during the last three months of 1983 will receive their sales tax grant cheque in January.

As well, I would like to take this opportunity briefly to update the members on the mailing of the 1983 property tax grant cheques for seniors. As of mid-November, we have processed 546,855 applications, which have resulted in the production of 544,121 cheques averaging \$243 each. This means the average annual entitlement for seniors is \$460 per household.

Of the 557,612 completed applications received thus far from seniors, 10,343 still require additional information, which is in the process of being obtained from the seniors concerned.

### ORAL QUESTIONS

**Mr. Peterson:** Mr. Speaker, according to the schedule put out by the government, the Premier (Mr. Davis) is supposed to be here today. In view of the fact that we have had issued to us yesterday the most sharply critical report of government expenditures in some long period of time, and in view of the fact that the Premier himself is now competing for the title of the new chairman of the Ontario Waste Management Corp., I think it is important that I stand down my questions until he arrives, unless one of his surrogates has been instructed to answer for this mess.

**The Deputy Speaker:** The House leader has indicated the Premier is on his way. Are you standing down both questions?

**Mr. Peterson:** Yes, I will stand them down.

### WORKERS' COMPENSATION

**Mr. Foulds:** Mr. Speaker, I have a question for the Minister of Labour. Can he tell us why during the height of the recent recession, on April 13, 1982, the Workers' Compensation Board adopted a policy that, in effect, discriminated against those workers who were applying for total temporary disability benefits when they had suffered unemployment or a layoff in the previous year?

**Hon. Mr. Ramsay:** Mr. Speaker, I am afraid I am going to have to ask the honourable member for a little more information than that in order to answer the question properly.

**Mr. Foulds:** Then I will repeat the question a little bit more elaborately because I have been trying to sharpen the questions, as the Speaker has told us.

Is the minister not aware that on April 13, 1982, the Workers' Compensation Board adopted as a matter of procedure, outlined on page 33-08-06-4 under point 10, that it would exclude allowances for lost time without pay where this resulted from a seasonal shutdown or unavailability of work "due to other causes"?

In other words, the board began at that point, when assessing total temporary disability, to take out of account the amount of money the worker had received in the previous year either through unemployment insurance benefits or otherwise. In other words, the amount of the award was based only on what the worker had actually earned in the previous year, not taking into account what he would have earned if he had been working or his unemployment insurance benefits.

**Hon. Mr. Ramsay:** I believe the honourable member is referring to section 45 of the act. If my memory serves me correctly, this is a matter that was brought before the board by the member for Algoma (Mr. Wildman). I also believe it is under review at the appeals adjudicator level at the present time. In fact, I believe it was heard in September of this year.

**Mr. Foulds:** Why is it that members such as the member for Algoma have to bring individual cases before the board and beg for appropriate levels of workers' compensation for people like Dennis Braileen, who was injured last March? Why is it that the board is allowed to change its policy at the height of a recession to discriminate against workers like the one whom the member for Algoma brought to the minister's attention and to the board's attention?

Can the minister tell us why the board is allowed to implement a policy that discriminated against 95 workers at the United Auto Workers Local 1520 at the Ford Motor Co. in St. Thomas in the same way and why that is still under review? Why the blazes, at the height of the recession, are these workers not getting their just due and the full total temporary disability allowance to which they have been entitled in the past and surely should be entitled in the present?

**Hon. Mr. Ramsay:** As I said earlier, the matter is under review and I will commit myself to speeding up that process.

This is not to be critical, because it may have been done, but was this matter discussed at the time the Workers' Compensation Board was before the resources development committee on the restructuring of the Workers' Compensation Act?

**The Deputy Speaker:** Supplementary, the member for Windsor-Riverside.

**Mr. Cooke:** Mr. Speaker, as the minister will understand, this problem has been brought to his attention several times—

Interjections.

10:20 a.m.

**The Deputy Speaker:** Order. I looked to the official opposition for the next supplementary. The member for Hamilton Centre (Ms. Copps) would acknowledge that she was still coming in and the member for Windsor-Sandwich was on his feet.

**Ms. Copps:** Mr. Speaker—

**The Deputy Speaker:** If the member for

Windsor-Riverside will yield the floor to the member for Hamilton Centre?

**Mr. Cooke:** Thank you, Mr. Speaker.

**The Deputy Speaker:** I am sorry. I was asking whether the member for Windsor-Riverside would permit the member for Hamilton Centre to have the supplementary.

**Mr. Cooke:** Fine.

**Ms. Copps:** Mr. Speaker, I ask the minister whether he has been aware of the case I brought to his attention some months ago. It concerns a worker who is actually earning less on workers' compensation benefits than he was earning on unemployment insurance. This matter is also under review.

The minister has been promising a change in the situation, which is affecting literally hundreds of workers across Ontario. It has been under review for at least the last six months. In the meantime, this particular worker is living below the poverty line, on \$99 a week, because the ministry has not changed its policy. Will the minister make a commitment today that this policy will be changed before Christmas so Roland Martin can have a decent Christmas for his family?

**Hon. Mr. Ramsay:** Mr. Speaker, I cannot commit myself to the fact that this will be changed before Christmas, but I will certainly commit myself to seeing what I can do about the circumstances.

In answering the supplementary, I would like to refer to the auto workers' situation which the acting leader of the third party brought forward. I chaired a meeting earlier this year with representatives of the United Auto Workers and senior representatives of the Workers' Compensation Board. As I recall the circumstances, it was left that the two groups would get together and try to work out a resolution.

It is my understanding that in the majority of the cases the average earnings worked out to be the same. In approximately 25 per cent of the cases, four-week average earnings produce a marginally higher rate than the nominal rate, and in approximately 25 per cent of the cases, four-week earnings are marginally lower than the nominal rate.

The guidelines proposed to the board to use the nominal rate met with the general acceptance, as I understand it—and I will check on this—of the subcommittee of the Ontario Federation of Labour. Therefore, the questions I am receiving this morning come as a bit of a surprise to me, because I felt the matter was

under control and the problems had been resolved. Obviously they have not, and I commit myself to following up.

**Mr. Cooke:** Mr. Speaker, the minister knows this is a problem that has existed for a long time. There were a lot of cases in Windsor that were brought to his attention, and the result was the meeting he had with the UAW earlier this year.

For many individuals, the loss has been terrific. John Wallace at Local 1520 in St. Thomas, instead of getting \$349 a week, is getting \$141. Bill Greenwood could also be getting \$349, but he is getting \$226. Ross Gordon, instead of \$367, receives \$192.

I am asking the minister to take a look at the situation again to make sure the policy is changed so the benefits these workers receive are the benefits they should be insured for; in other words, the maximum benefits.

**Hon. Mr. Ramsay:** Yes, Mr. Speaker, I will do that.

**The Deputy Speaker:** That was the final supplementary. We will now revert to the official opposition.

**Mr. McClellan:** No. We have two leadoff questions. We are about to do the second leadoff question.

**Mr. Cooke:** They can't have it both ways.

**The Deputy Speaker:** I am sorry. We had our appropriate supplementaries. We had the question, the supplementary, in my recollection, we came back to the opposition and we were back for a final supplementary.

**Mr. Martel:** Mr. Speaker, that is not the issue. The issue is that the Leader of the Opposition (Mr. Peterson) requested to stand down his questions until—

**Mr. T. P. Reid:** Until the Premier (Mr. Davis) arrived.

**Mr. Martel:** They cannot have it both ways. They cannot cut them in two and say, "It's my time at the can."

Interjections.

**The Deputy Speaker:** Order. I am on my feet, member for Sudbury East. What the Leader of the Opposition did was to ask to stand down his questions until the Premier arrived. Then the Premier arrived, but we allowed the courtesy of the questioning to follow the progression it was following. If we may, we shall return to the Leader of the Opposition with his first official question.

**Mr. Martel:** Mr. Speaker, let me just say this will be the last time we will tolerate that sort of

thing. He will ask his questions or we just will not ask ours until our turn comes officially. They cannot have it both ways.

**The Deputy Speaker:** Order.

**Mr. Peterson:** Thank you for your calm reason under pressure, Mr. Speaker, and your excellent judgement.

[Later]

**Mr. Foulds:** Mr. Speaker, on a point of order: I need to correct the record. When I raised my question about the workers' compensation benefits with the Minister of Labour, I indicated there were 95 workers affected at United Auto Workers Local 1520 in St. Thomas. In fact, there were 70 such workers.

**The Deputy Speaker:** That is very helpful.

#### PROVINCIAL AUDITOR'S REPORT

**Mr. Peterson:** Mr. Speaker, I have a question for the Premier (Mr. Davis) regarding the annual report of the Provincial Auditor. I know he is aware the auditor's report was tabled yesterday. The Premier also will be aware that the report was sharply critical of many practices in many of the ministries and catalogued waste upon waste.

The Premier is aware that, according to the Provincial Auditor, the government is now spending in excess of \$70 million a year on government advertising, and that does not even include a number of the attendant salaries and wages that are included inside the various ministries.

How can the Premier justify that when we are in an age of restraint and when there are so many agencies that are strapped for money in this province? How can he possibly justify an expenditure of that magnitude, which puts us among the highest per capita spenders for advertising of any government in the western world?

**Hon. Mr. Davis:** Mr. Speaker, the honourable member concluded his questions by saying "more than any other government in Canada." I think it is fair to state that the government of Canada spends 48 per cent more than does the province of Ontario.

**Mr. Peterson:** I did not say that. That is not the question. The question is this government's priority of spending \$70 million. It is restraining everyone in this province to five per cent, but its advertising budget went up by 25 per cent last year in an age of restraint. The Premier is the one going around making speeches about restraint in his notes to the great Brampton Board of



Trade, saying how he is so proud of the restraint program.

**The Deputy Speaker:** Question, please.

**Mr. Peterson:** The government increased its advertising expenditures by 25 per cent. The Premier cannot get around my question by that kind of fooling around. I said "per capita in the western world," and if the Premier checks it, he will find out my facts are absolutely right. How can the Premier justify increasing the government's advertising expenditures by 25 per cent in an age of restraint?

**Hon. Mr. Davis:** If the member looks at the Provincial Auditor's report, he will find that while he lumps it all together as advertising, a good part of that money—and I do not have the exact breakdown—relates to internal communications, publications, etc.; it is not all advertising as he is seeking to use the word.

I ask the member to please tell us which campaigns, if he calls them that, or which programs he would see us dispense with. Does he suggest we limit our communications in the field of, say, alcohol and driving? Is he opposed to that? I ask him to consult with his rural members. Is he opposed to the moneys allocated to the Foodland Ontario program? My guess, if my understanding from the Ontario Federation of Agriculture is correct, is that it is very supportive of that program, particularly some segments of the agricultural community. I ask him to ask his critic in terms of tourism, because the tourism industry in this province, in any communication I have had with its representatives, urges us to spend even more than we are currently spending.

If the member wishes to single out lotteries, one may have a philosophical point of view, but the Ontario Lottery Corp. does spend money on advertising its lotteries; there is no question about it. There is a question as to whether they should spend less; the member might say they should. Perhaps if they spent less, they might save; but at the same time the revenues from the lottery corporation might diminish.

I ask him to tell us just what advertising campaign it is that he suggest we eliminate.

10:30 a.m.

**Mr. Foulds:** Mr. Speaker, I wonder whether the Premier could answer two simple questions. Why is he trying to compete with the federal government in expenditures on propaganda—if he does not like the word "advertising"—for self-serving purposes at the expense of the taxpayers? Also, can he tell us precisely how

much the provincial government does spend on advertising?

**Hon. Mr. Davis:** Mr. Speaker, I do not have a list of all the various programs, but—

**Mr. T. P. Reid:** The auditor can't get it either.

**Mr. Swart:** Ignorance is bliss.

**Mr. Foulds:** Just tell us how much you spent on advertising? Do you know?

**Hon. Mr. Davis:** Is the member suggesting we should not communicate the tax adjustment program for farmers to the farm community? Let him tell me which one he would eliminate.

**Mr. Foulds:** I asked how much you spent.

**Mr. Swart:** Ignorance is bliss. It helps to evade the questions too.

**The Deputy Speaker:** Order.

**Hon. Mr. Davis:** How about the information to the senior citizens? Does the member want to eliminate that? Does he want to eliminate the information to the senior citizens? If so, let him tell us so.

**Mr. Cunningham:** Mr. Speaker, I have a supplementary question relating to the selection process. On page 114 of the Provincial Auditor's report it is indicated that the guideline for selection of the agency of record provides for a 30 per cent rating assessment on capability. That includes, of course, the previous track record in government accounts.

It further indicates that three advertising companies, including the incumbent, Foster Advertising, were invited to make capability presentations to the government and that the overall score received by the incumbent was significantly higher. Of course, it would be, given that there has to have a previous government track record; that accounts for 30 per cent of the rating process.

**The Deputy Speaker:** Question.

**Mr. Cunningham:** When is the Premier going to take it upon himself to end this political, sleazy shell game that is going on with advertising agencies in Ontario and open it up to every agency in Ontario instead of his political friends, Tom Scott at Foster, and Camp Associates?

**Hon. Mr. Davis:** Mr. Speaker, I also noticed the auditor's report. However, to overlook the importance of a qualified and time-tested agency merely for the sake of change could result in loss of time and effectiveness and additional expense. That is also contained in the report. I notice the honourable member did not bother to read that portion of the report.

I would say with the great respect—

**Mr. Cunningham:** You don't bother looking at this 30 per cent requirement that perpetuates your political friends.

**The Deputy Speaker:** Order.

**Hon. Mr. Davis:** We have debated this issue before. If the member wants to say the firms that are doing work for this government are incompetent, then he should say so. That is fine. But no one in the industry is prepared to support the member.

**Hon. Miss Stephenson:** Not even Vickers and Benson.

**Hon. Mr. Davis:** If he is carrying on a crusade for his favourite advertising agency, he should let us know. Does he want Vickers and Benson to get the business, or Jerry Goodis?

**Mr. Bradley:** Why do you not tender the business?

Interjections.

**The Deputy Speaker:** Order.

**Mr. T. P. Reid:** Mr. Speaker, I might bring to the Premier's attention an article by J. Patrick Boyer, a name that might mean something to him and his colleagues. It is called, "Government Advertising: Some Wheat, Too Much Chaff."

**The Deputy Speaker:** Will the member put his question?

**Mr. T. P. Reid:** My question to the Premier is also related to the auditor's report. It has to do with crown agencies, boards and commissions, which we understand from the auditor's report have increased.

My question is particularly about Ontario Hydro. In the standing committee on public accounts yesterday the members of the government party emasculated the study of Ontario Hydro by refusing to allow the auditor and the committee to look into the financing broadly and generally of Hydro. Since the auditor has indicated in his report that the public accounts committee, among others, is not the place for the survey of crown corporations, particularly Hydro, will the Premier now act to set up a select committee to investigate and give Hydro itself the opportunity to put its case before this Legislature and the people of Ontario?

**Hon. Mr. Davis:** Mr. Speaker, I have found over the years that there has been no reluctance on the part of the committee dealing with the estimates of the Ministry of Energy to deal with Ontario Hydro. That has been done year after year. I always get some measure of encouragement from the chairman of the public accounts

committee, who takes a somewhat more rational point of view than some of his colleagues.

The member does recognize that the Provincial Auditor understood that the public accounts committee was neither the vehicle nor the place for that sort of analysis of Ontario Hydro. I say, with respect, there was an opportunity in the debates on the Ministry of Energy estimates at which Ontario Hydro has always been prepared to appear. I think that is a very proper vehicle.

I do not have a closed mind with respect to a committee in terms of looking at some aspects of Ontario Hydro. The member's colleague, the House leader of his party, is always somewhat reticent about select committees, their purpose and their usefulness. On occasion we have far too many, but I do not have a closed mind on the subject. I am glad the member emphasized that the Provincial Auditor recognized it was not the proper area of discussion for the public accounts committee.

**Mr. T. P. Reid:** I appreciate all the sweetness and light, but the fact remains that the Premier has the power, the authority and the responsibility to provide a forum of accountability for the largest crown corporation, with assets of something in the order of \$18 billion, liabilities of some \$15 billion or \$16 billion and long-term debt of \$15 billion. He owes it to Hydro as well as to the people of Ontario to provide a forum, not two hours in an estimates committee, to deal with this matter. The Conservative members emasculated the committee in the little work we might have been able to accomplish.

Can the Premier not give us a commitment that would follow, as I understand it, the recommendation of the chairman of Hydro, Mr. Nastich, that a select committee, with the time to get together its expertise and hear all the testimony, deal with this?

**Hon. Mr. Davis:** I am glancing at the motion and I am not sure it is in its exact, final form. With great respect, I do not think it is fair to state that our members "emasculated" the resolution. There was a desire on the part of some members to expand what was the initial resolution. I gather from my notes that there was not an emasculation, although there may not have been the increase in scope some members would have liked.

I do not want to burden the House with this, but I would also point out that while the chairman of the public accounts committee, the financial critic for the party across the House, talks about all these large figures—there is no question about the magnitude of Hydro's opera-

tions in Ontario—I remember quoting to the House not too many weeks ago the views of those people who analysed this even more carefully than would any select committee, because they were evaluating the credit of Ontario Hydro.

My recollection of the quotations I used from one of the rating agencies is that in terms of its financial capacity and its management, Ontario Hydro is one of the better utilities in North America. That has been the case and it is still the case. While I do not dispute for a moment the rights of members of this House to question Hydro over its policy and its direction, I do not think the member should create the impression that Ontario Hydro is not in very good financial shape.

I have to talk to these people once or twice a year. I know what they are saying to many other utilities, and I know what they say to us. Ontario Hydro is held in very high regard by those people whose business and profession it is to determine the financial capacity of these institutions.

**Mr. Philip:** Mr. Speaker, the Provincial Auditor's report is fairly clear. It says Ontario Hydro and other crown corporations are not accountable to the Legislature and not even to the government. The Premier knows that. It says so on page 125. The Premier also knows that Hydro is in debt for more than \$18 billion and has a projected debt of twice that within 10 years as a result of the expansion.

**The Deputy Speaker:** Question.

**Mr. Philip:** Does the Premier not feel the actions of his members on the public accounts committee yesterday in quashing the rights of the auditor to look at questions in category 4, dealing with the actual costs of mothballing, the breakdowns of the various Hydro generating stations and their replacement, were a deliberate coverup by him and his government, not only to this Legislature but also to the auditor?

10:40 a.m.

**Hon. Mr. Davis:** Mr. Speaker, I have great confidence in the Provincial Auditor, both the present one and his predecessors. But, with the greatest of respect, I doubt that it is within the competence of the Provincial Auditor to determine the utilization or growth potential of Ontario Hydro, how much capacity it should have and so on. I do not think that is a function of the Provincial Auditor or any auditor.

**Mr. R. F. Johnston:** Will the Premier appoint Doug Wiseman to look into it?

**Hon. Mr. Davis:** Why not the member for Scarborough West (Mr. R. F. Johnston)? It might get him off some of his other kicks and give him something substantial to get interested in.

I would say to the member for Etobicoke (Mr. Philip), let us not suggest this is not public information or is not open to public discussion.

**Mr. Foulds:** It is not. It is not. You killed it.

**Hon. Mr. Davis:** The member should take a look at the transcripts of the submissions made before the Ontario Energy Board. He will find that 99 per cent of this information is in the public domain. He might even go to the Ontario Energy Board and express his point of view.

**Mr. Cunningham:** Mr. Speaker, on a point of privilege: I know the Premier would not want to leave the impression that he was quoting the Provincial Auditor when he said, "To overlook the importance of a qualified, time-tested agency merely for the sake of change could result in lost time, effectiveness and additional expense."

**The Deputy Speaker:** That is not a point of privilege.

**Mr. Cunningham:** He was not quoting the auditor; he was quoting the deputy minister. We all know how objective our deputy ministers are.

**The Deputy Speaker:** Order.

**Mr. T. P. Reid:** Mr. Speaker, the Premier has conveniently forgotten again that this Legislature, and particularly the Premier, has a special responsibility for the accountability of these crown agencies.

The Premier has just said he does not believe the auditor has the expertise to delve into these matters. I agree entirely. We are agreed on two things. The auditor does not have the expertise and the public accounts committee has been cut back—if he does not like the word "emasculated"—by the motion of the member who rescinded part of his earlier motion.

If the Premier agrees the auditor does not have the expertise and we do not have the expertise or the time to do it, will he give us a commitment—if he does not like the term "select committee"—that he or his government will provide a forum for the members of the Legislature to hold Hydro accountable and to give Hydro an opportunity to state its case?

**Hon. Mr. Davis:** Mr. Speaker, I must confess some measure of misunderstanding. I think it is section 4 that is giving the concern, where one is talking about the relative effectiveness of Hydro's



actual plant expenditures in these areas in meeting Ontario's need for electricity as compared with other possible alternative expenditures. I honestly do not know what that means. Is it Ontario Hydro's alternative expenditures?

**Mr. T. P. Reid:** That is not the point. alternative expenditures. I honestly do not know what that means. Is it Ontario Hydro's alternative expenditures?

**Mr. T. P. Reid:** That is not the point.

**Hon. Mr. Davis:** I am trying to convey to the member in terms of the information, in terms of Hydro's planned financial expenditures and planned revenues, in terms of all the information that "a select committee would have available," that information by and large is available and has been available through the submissions to the Ontario Energy Board.

**Mr. Foulds:** Nonsense, nonsense. That is just not right.

**Hon. Mr. Davis:** I have seen some of the material. That information is available for debate in this House if members wish.

**Mr. Foulds:** The energy board said otherwise.

**Hon. Mr. Davis:** No, they did not.

**Mr. Philip:** Mr. Speaker, since the Premier gave no answers related to Ontario Hydro, perhaps the Ministry of Energy will have a few.

Since the Minister of Energy (Mr. Andrewes) no doubt knows that yesterday the Conservative members on the public accounts committee squashed all meaningful questions related to the cost of borrowing—

**The Deputy Speaker:** Order. The member is making statements again. We have always permitted sufficient leeway to help explain the question, but would you put the question, please?

**Mr. Philip:** I am putting the question, Mr. Speaker.

The minister no doubt knows that yesterday the Tory members of the public accounts committee quashed all questions that related directly to the carrying costs or the interest costs of the borrowing of Ontario Hydro, and the auditor in his report again today states that Ontario Hydro and other crown corporations are not answerable to this Legislature or to the minister.

Is the minister prepared to make any changes that will make Ontario Hydro answerable to him and to the members of this Legislature and thereby to the public?

**Hon. Mr. Andrewes:** Mr. Speaker, I think we have commented on that question before. If the

honourable member is proposing a broader mandate for the public accounts committee, I would suggest that is the prerogative of the committee and the members can make that decision in the fullness of time.

**Mr. Philip:** I was proposing a broader mandate for the minister to take his responsibility seriously. The auditor in his report states that there is no accountability. The government has rejected a select committee. The Tory members on the public accounts committee yesterday quashed any meaningful inquiry, both by the members of that committee and by the auditor, into the actual operating costs of Ontario Hydro. The Ontario Energy Board has complained in its report that it does not have the authority to conduct a thorough investigation of Hydro.

Why is the government so reluctant to let anybody look seriously at the actual costs and operations of Ontario Hydro? Why does the government perpetuate this kind of coverup? What is it afraid of?

**Hon. Mr. Andrewes:** I think the member is deluded somewhat. The questions that he and others posed in the public accounts committee addressed certain concerns relating to Darlington and the mothballing of heavy water plants and thermal generating plants; I cannot remember the exact details of the third issue. But I want to assure the member that with respect to those three points the auditor himself had some difficulty in dealing with the questions that were put to him by members of that committee. He had some difficulty in dealing, indeed, with what his mandate was in preparing a report for that committee.

The three points dealt with in the motion were addressed. The report requested on those three points will be prepared by the auditor and the information will be forthcoming for the committee's discussions.

**Mr. J. A. Reed:** Mr. Speaker, the minister is certainly aware that the statement in the auditor's report about the accountability of Hydro has been of great concern to the official opposition in Ontario for almost eight years and probably some years before that.

The minister may be aware that the official opposition has twice presented to this Legislature a bill concerning the public accountability of Ontario Hydro, which would go a long way towards allaying the concerns that are now being expressed by the auditor as well as the opposition.

Why does the minister continue to stonewall?

Do the people of Ontario not deserve to have a full accounting of the expenditure and the concern about Hydro waste?

**Hon. Mr. Andrewes:** Mr. Speaker, my only response to the honourable member with respect to those concerns is that the forums are available. The Premier has alluded to those forums.

The public accounts committee is dealing with specific requests that were made by that committee. The ministry's estimates were before the committee some months ago. All these questions could have been raised at that time—indeed, were raised by the member's leader and answered. There is a continuing debate.

I have said on many occasions that we are not closed-minded towards a forum in which Ontario Hydro can answer some of these concerns that many people over there are raising. We are not closed-minded to that sort of forum, but there are situations relating to the Pickering problem that must be dealt with before those events.

10:50 a.m.

The member has raised on occasion some very salient points and I think we will continue to discuss those points in the forums which are available to us.

**Mr. Philip:** The minister knows full well that yesterday in the standing committee on public accounts the members of his party stopped any public hearings or inquiry until at least June of next year. He also knows that the costs at Darlington have escalated from \$4 billion to over \$12 billion.

**The Deputy Speaker:** Question, please.

**Mr. Philip:** The minister also knows that the questions the members of that committee stopped and told the auditor he could not investigate—

**The Deputy Speaker:** The member will please put his question.

**Mr. Philip:** —included such things as a report on capitalized interest. How can the members of this Legislature have any confidence in this minister when he and the Conservative members on the public accounts committee instruct the auditor not to look into any of the things that really affect not just the present costs but also the future costs of Hydro in this province?

**Hon. Mr. Andrewes:** I am not responsible for the timing of the auditor's report. I believe the questions put to the auditor by members of that committee will take him until next June—not this June—to prepare a report. I think then it is in the best interests of the committee to have the kinds of information it is asking for and to have

the kind of detail it is asking for, so that it can give its full consideration to the questions that have been posed.

## TILE DRAINAGE

**The Deputy Speaker:** The Minister of Agriculture and Food has the answer to a previously asked question.

**Hon. Mr. Timbrell:** Mr. Speaker, several days ago the member for Welland-Thorold (Mr. Swart) asked me a question regarding the tile drainage allocation for Mersea township.

**Mr. Conway:** Is Dunc Allan on his way out?

**Hon. Mr. Timbrell:** No, but the member is.

In response, Mr. Speaker, I would advise the member that—

Interjections.

**The Deputy Speaker:** Order. The minister is answering a question.

**Mr. McClellan:** The minister is mumbling. He should take elocution lessons.

**Hon. Mr. Timbrell:** I am speaking in my normal voice. If the member would just listen with his normal ear, we would be fine.

**The Deputy Speaker:** The minister will continue.

**Hon. Mr. Timbrell:** Mr. Speaker, all townships were advised in the spring of this year that their initial allocation of tile loan funds for the 1983-84 fiscal year was equal to their actual expenditure for the previous year; that is, 1982-83. They were advised also that the ministry would be conducting surveys from time to time to monitor the need for funds.

In August, the ministry conducted just such a survey of needs. The municipalities were asked to respond by September 1. Many municipalities did not meet this deadline; consequently, it was late September before all of the information was assembled. In October, the allocations were adjusted to reflect the actual needs this year.

In the case of Mersea township, the initial allocation was \$406,000. The survey formally received from them on August 23, 1983, showed a need for \$226,300. They also included \$100,000 in "telephone inquiries," for which they did not have any documentation or applications for loans. Therefore, their allocation was decreased to their documented need; that is, \$226,300, plus \$20,000. The \$20,000 was left to service the one or two additional applications that might come along.

The rules that were followed, in this case and all cases, in calculating the new allocations

were: (1) If a township had between zero and \$20,000 more than it required, we left the allocation as it was; (2) if a township had more than \$20,000 above the documented need, we gave it what it needed plus \$20,000; (3) if a township needed between zero and \$30,000 more than its allocation, we gave it what it was allocated plus the extra it needed; and (4) if a township needed more than \$30,000 more than allocation, we gave it the allocation plus \$30,000.

I would add that these allocations are being further reviewed and I would anticipate there will be more changes in January and February as more information becomes available to the ministry from the municipalities.

**Mr. Swart:** Mr. Speaker, does the minister not realize that any increase in the allotment in January is of no use for work which is to be done this year? Does he not realize also that Mersea township requires \$335,000 or \$337,000 now? Why can he not do the same thing for Mersea township—that is, increase its allotment—as he did for the municipalities in eastern Ontario because there is a by-election being held there in December?

**Hon. Mr. Timbrell:** In point of fact, we have increased the allocations for a number of municipalities all over the province based on the survey I mentioned in response to the member's original question. The fact is—

Interjections.

**The Deputy Chairman:** Order. The minister is replying to the supplementary.

**Hon. Mr. Timbrell:** At the time of the survey, the municipality was able to document only \$226,300, to which we added \$20,000.

I know the member believes the government should simply spend without regard to budget, but we do have a budget allocation within which we must work. We try to make sure the money allocated for tile drainage is spent each year, and that means, due to weather and in some cases for economic reasons, demand will be less in a certain township or area of the province one year as compared to another. We then reallocate the money.

**Mr. Philip:** Mr. Speaker, on a point of order: The Premier inadvertently misled the House. He stated that 99 per cent of the information we need about Hydro finance is available in the transcripts of the Ontario Energy Board.

**The Deputy Speaker:** You know you are out of order.

**Mr. Philip:** In fact, the Ontario Energy Board—

**The Deputy Speaker:** Would the member please take his seat. The member for Grey (Mr. McKessock).

**Mr. Boudria:** I was asking a supplementary.

**The Deputy Speaker:** The member for Prescott-Russell.

**Mr. Boudria:** Mr. Speaker, is it not a fact that unless you put your name on a waiting list, in other words, unless you finance your own tile drainage plan and place your name on a waiting list in anticipation that there may be largess on the part of government if there is a by-election or something else at some point in the future or that the minister will reallocate, you risk having to finance all the tile drains on your own? It is only in waiting list in anticipation that there may be largess on the part of government if there is a by-election or something else at some point in the future or that the minister will reallocate, you risk having to finance all the tile drains on your own? It is only in cases where you have that risk situation and you put yourself on that waiting list and you happen to be—

**The Deputy Speaker:** Question.

**Mr. Boudria:** I have already done that. With all due respect, you are not listening, Mr. Speaker.

To repeat the question, is it not a fact that is what is happening?

**Hon. Mr. Timbrell:** Mr. Speaker, the member is incredible. He sits there and beefs and gripes if he does not like the answer. Then when somebody gives a complete answer he gripes about that.

Let me reference the two years during which I have been responsible for the program. In 1982-83, with the new rules we instituted, we were able with one or two minor exceptions to approve the purchase of debentures to cover every application that was made in the province. In previous years there had been waiting lists, I understand, but my recollection is that in 1982-83 we covered every application in every part of the province. There was one—

**Mr. Boudria:** There is a waiting list this year. Just a week ago—

**Hon. Mr. Timbrell:** Hold on. I remind the member that the fiscal year is only two thirds gone. Every year we go through the process of reallocating the funds. I hope this year we will be able, as we did last year, to approve the purchase of debentures to cover every application made. That will certainly be our goal. The fiscal year is only two thirds gone. Especially in



the light of last year's record, it is premature and perhaps a little politically motivated to start criticizing a program that has not been wrapped up for the year.

**Mr. Riddell:** Mr. Speaker, I have a question of the Minister of Agriculture and Food.

**Mr. Williams:** Mr. Speaker, on a point of order: Three quarters of question period is complete and you have not come over to this side of the House as yet.

Interjection.

**Mr. Williams:** That was a response to a statement made by the minister.

11 a.m.

**The Deputy Speaker:** Will the member for Oriole please take his seat. We did have a change of rotation at the outset and perhaps that is causing some confusion. We are back now with the official opposition, then we will be going to the third party and then we will be back to the side of the member for Oriole (Mr. Williams).

#### GRAIN ELEVATOR STORAGE

**Mr. Riddell:** Mr. Speaker, I have a question for the Minister of Agriculture and Food in view of the fact we were not able to get any answers from the Treasurer (Mr. Grossman) on the matter of the bankruptcy of the Niagara Grain and Feed elevator company and in view of his statement at the Ontario Federation of Agriculture annual convention some two days ago.

In his statement concerning the receivership of that company in Smithville last week, he said farmers should be protected under the Grain Elevator Storage Act. Will the minister now admit his legislation will do nothing to protect those farmers who hold cheques which have bounced and those who hold receipts for grain which is no longer there?

What recourse is now left for farmers who find themselves in that situation to recover their money or grain? Is the minister going to guarantee that these farmers, some of whom have as much as \$100,000 owing to them, will be paid for their product? In other words, is he going to take some steps to prevent these farmers from going into bankruptcy because they simply cannot stand to lose \$100,000?

**Hon. Mr. Timbrell:** Mr. Speaker, as the member knows, it is only seven or eight days since the receivers moved in. To this point I would have to say all the reports we have had have to be preliminary. The chief inspector was

on the site last Friday morning and, in effect, seized all the grain in storage at that time.

An audit is under way, trying to balance the receipts with the amount of grain in storage, to get some idea of how much of a discrepancy, if any, there is. I should not say "if any" because I understand there probably is some discrepancy. In the event the act has been breached, it may well be there are other civil proceedings which might have to be contemplated.

As the member knows, the act only covers stored grain. My preliminary advice of a couple of days ago from the chief inspector was something to the effect that there are a number of individuals who took their grain to the elevator for sale, not for storage. They simply took it to the elevator and said: "I want to sell it. What is the price? Let us tally up the amount."

As the member knows, the Grain Elevator Storage Act has never covered that kind of transaction. As has been discussed on a number of occasions, but never widely supported in the grain trade—and I mean among grain producers—it seems to me the best solution in the future would be the creation of a protection plan, which at this point is a voluntary step producers can take.

We have certainly had indications from the corn producers' association as well as from other parties involved that they are prepared to try to put something in place to cover any future eventuality. In this particular case, my preliminary advice is that the bulk of the problem is with people who have never been covered by the act inasmuch as they were not taking the grain for storage.

**Mr. Riddell:** In the understanding of the chief inspector, as much as 35 per cent of the grain which was in storage is now missing. In other words, the grain elevator has somehow dispensed with that stored grain. Taking that into consideration and knowing there have been a number of cheques bounce and the farmers are not apt to get paid, will the minister not now agree, as we pointed out to him during debate on the Grain Elevator Storage Act, that this legislation is nothing more than show-window legislation which does nothing to solve the problem or to protect farmers who have no recourse in these situations? They become unsecured creditors just as are all the other creditors.

Will the minister assure us the farmers affected in this receivership will be paid for their product? What is he now doing to prevent this sort of situation from recurring. We understand there

are four more elevators in a similar situation and we may well see them go into bankruptcy. The farmers are left with their grain supposedly in storage, but perhaps it has been sold as well.

**Hon. Mr. Timbrell:** Mr. Speaker, when the legislation was debated in the spring, and I think even when we discussed the general situation during estimates, we both acknowledged that the ultimate protection would be the creation of a financial protection fund to which the producers would contribute so much per bushel or so much per ton as a backup insurance.

There is nothing in the Grain Elevator Storage Act that can protect anybody against fraud if fraud occurs. As the member knows, there are 270 or 280 elevators in the province that are licensed under the act. It is impossible to have a policeman in every elevator every day watching the incoming and outgoing product. There is nothing in the act that can say to anybody that nobody will ever misallocate or misappropriate the produce again. So the ultimate protection has to be a fund.

If the member is saying he believes I should force the producers to have a fund, then I might welcome that because—and this goes right back to several years ago when there was another problem with yet another elevator—the producers have not to this point shown any willingness to have such a fund created to protect themselves.

**Mr. Swart:** Mr. Speaker, mine is a new question on the same issue. Does the minister recall that during debate on Bill 40, which was given royal assent last June 21, he said, according to Hansard, "It"—that is, the bill—"states unequivocally that the producer retains title to the grain until he receives his money from any sales transaction"?

Recognizing that the new act is stronger than the old act, how could he have been so negligent as not to have enacted the regulations and proclaimed the bill before this fall when the grain was due to be delivered, with the result that the farmers got caught again? Further, does the old Grain Elevator Storage Act not give ownership to the producer while at the elevator unless it is paid for? Do the farmers in this case not still own the grain, wherever it is, if it has gone through the elevator? Is the sale of something that one does not own really a legal transaction, and does the farmer not own it rather than the purchaser at this time?

**Hon. Mr. Timbrell:** Mr. Speaker, the honourable member will recall that in a number of discussions that preceded the move into second

and third reading on Bill 40 we got into all these matters of security, bonding and various other proposals. In fact, he put some amendments forward at that time, which we did not think were workable.

The regulations are about ready to go. They are in our legal branch. They have been worked on—

**Mr. Swart:** The minister did not have them ready for the fall crop.

**Hon. Mr. Timbrell:** If I may complete my answer, when I first heard of the bankruptcy I brought the staff in and said, "I want to know if, given what you know of this case to date, there is anything in the new legislation that would have materially or in any way changed the situation."

**Mr. Swart:** Then why do we have it?

**Hon. Mr. Timbrell:** The answer was no, because the problem is still, as I said in answering the question from the member for Huron-Middlesex (Mr. Riddell), that while it is very clear in the new act, once it is proclaimed, that the product is in fact that of the producer until paid for, if any product is misappropriated, misplaced or fraudulently dealt with, there is nothing in the old or the new act that can prevent that or protect against it. The only protection that is possible would be the creation of a financial protection fund. I repeat again that over the years the producers have shown no enthusiasm for the creation of such a fund.

If the member for Welland-Thorold (Mr. Swart) and the official opposition believe we should force the creation of a fund, then I think maybe we should get together and talk about that.

**Mr. Swart:** The minister is negligent in not proclaiming the act, which would have given more protection to the farmers than they now have, and he is partly to blame for the present situation.

I want to ask, by way of supplementary, is it not true—

**The Deputy Speaker:** Would the member take his seat just for a moment.

**Hon. Mr. Timbrell:** On a point of privilege, Mr. Speaker: I would think that if we had brought in regulations that were not clearly thought out, that had not been properly prepared, the member opposite would then have—

11:10 p.m.

**The Deputy Speaker:** I am sorry, that is not a point of privilege. The minister will please take his seat.

**Mr. Swart:** He is simply negligent. In five months they did not proclaim that act.

**The Deputy Speaker:** Would the member please put his supplementary.

**Mr. Swart:** I would be glad to put it, Mr. Speaker.

Is it not true that the Bank of Montreal had been calling the shots in the operation of the Niagara Grain and Feed elevator for several months and that for the first time in the 30-year history of this company payments were delayed to a minimum of 15 days—normally, they were paid immediately—so the elevator and the bank could sell the fall corn crop and seize those substantial cash assets while in the company's hands before the farmers got paid? Does the minister not think this is pretty unscrupulous on the part of a bank which made \$300 million in profit last year? Will he pursue this matter with the bank so the farmers, instead of the bank, get the money that was paid?

**Hon. Mr. Timbrell:** Mr. Speaker, we are working very closely with the receivers. I can tell the member for Welland-Thorold that when the chief inspector moved in, he did seize a substantial amount of grain. Based on whatever skimpy information is available, the member is a great one immediately to arrive at certain conclusions. We do not have the luxury of that. We have to deal with all the facts. We do not have the luxury of operating the way the member does.

The chief inspector is in there. He is working on a daily basis with the receivers. Certainly, we would hope the elevator will continue to operate. I do not have all the facts yet. When I do have all the facts, I will be happy to share them with everyone concerned, even the member. Then we can all arrive at conclusions based on all the facts.

**Mr. Nixon:** Mr. Speaker, one of the facts the minister ought to take into consideration is that farmers asked for credit checks through the Bank of Montreal on this firm as recently as 40 to 50 days ago. These were credit checks for which the farmers had to pay cash, and they were assured by the Bank of Montreal that all was in order, even though the farmers had some concerns about delivering grain to the firm under consideration.

It seems to me the minister must investigate why these credit checks came back positive so that the farmers' grain was all trucked into the elevator. Then when all the grain got in there, the famous Bank of Montreal, already referred

to, foreclosed and made off with the whole thing under the bankruptcy laws we have. Will the minister concern himself to see that the farmers who lost their grain or who are in danger of losing their grain under those circumstances have the special consideration that certainly the minister can bring to bear?

**Hon. Mr. Timbrell:** First, we had heard of that and my staff are aware of it and are looking into it. Second, the firm is not in bankruptcy; it is in receivership. The firm is operating. Third, as I said earlier, the chief inspector went in and, in effect, seized the grain on the site. I think the member would acknowledge it is wrong to say the farmers have lost that grain. We would want to see it traded on an orderly basis to effect the maximum possible return. Again, we do not have all the facts. It is early on. As soon as we have all the facts, I will be happy to share them all.

#### SUNDAY TRADING

**Mr. Williams:** Mr. Speaker, I have a question for the Solicitor General. Given the fact that the mayor of the city of North York has been aggressively promoting the commercialization of Sundays by pushing for wide open commercial Sunday shopping; given the fact that in so doing he offends the members of his council by initiating and promoting the issue with the media without first seeking the advice and getting the consent of his elected council and has thereby confused a lot of people in North York who believe their elected council has officially endorsed a Sunday shopping scheme; and, more important, given the fact that in waging a campaign for commercial Sunday shopping the mayor offends the conscience and dignity of a large number—

**The Deputy Speaker:** Order. I think the member may be aware of the clock. I have permitted him to put his question. Perhaps we could have a quick answer from the Solicitor General.

**Mr. Williams:** Mr. Speaker, on a point of order: I commenced my question before the question period expired and I am entitled to conclude my question and hear the answer. I have been waiting for three quarters of an hour to be heard.

**The Deputy Speaker:** Order, please. Would the member please take his seat. I was aware of the clock and, yes, I was aware of the member being anxious to put his question. I was anxious for him to have that opportunity, but I would



ask if he could be succinct in putting it so we do not abuse the orders of the day. If the member would culminate the question, the Solicitor General (Mr. G. W. Taylor) can answer.

**Mr. Williams:** Mr. Speaker, certainly I was not abusing the question period by putting this question before the question period had expired. I am entitled, as I understand the rules of procedure, to complete the question and hear the answer. Am I not right?

**The Deputy Speaker:** That is the prerogative of the chair. Has the member finished?

**Mr. Williams:** No, I have not concluded my question. I was cut off in the middle. May I put the question again for the sake of continuity?

**The Deputy Speaker:** Yes.

**Mr. Foulds:** Ask the question, for crying out loud.

**Mr. Williams:** Thank you. Mr. Speaker, in order to give continuity to the question, I would like to start again, if I might.

Given the fact that the mayor of my city, the city of North York, has been aggressively promoting the commercialization of Sundays by pushing for wide-open commercial Sunday shopping; given the fact that in so doing he offends the members of his council by initiating and promoting the issue with the media without first seeking the advice and getting the consent of his elected council and has thereby confused a lot of people in North York who believe that their elected council has officially endorsed the Sunday shopping scheme; and, more important—this is where you cut me off before, Mr. Speaker—given the fact that while waging a campaign for commercial Sunday shopping the mayor offends the conscience and dignity of a large number of families and workers in my city and in my constituency who truly value a full day of rest to nourish both body and soul; and, lastly, given the fact that commercial Sunday shopping offends the principles—

**The Deputy Speaker:** Order, please. This is turning into a speech. With all due respect—

**Mr. Williams:** —of the Retail Business Holidays Act, my question to the Solicitor General is what steps is he taking to make clear to the people of North York the resolve of this government to preserve for one and all of our citizens—

**The Deputy Speaker:** Order.

**Mr. Williams:** —a full and meaningful day a

week within the context of the Retail Business Holidays Act?

**The Deputy Speaker:** Order.

**Hon. G. W. Taylor:** Mr. Speaker, may I answer that question now? I notice the clock has run out, but it is part of the procedure that I may answer.

**The Deputy Speaker:** Proceed.

**Hon. G. W. Taylor:** Thank you, Mr. Speaker.

**Mr. Foulds:** Answer it. Stop fooling around. Say yes or no.

**Mr. Martel:** The cameras are over there.

**Hon. G. W. Taylor:** I do not want to bother with the interjections but just the very important question the member has put.

Mr. Speaker, as you are probably aware, and I am sure the member is aware, there is a piece of legislation in this province that I think is simplistic in its nature but had the support of all the members in this House when it passed for many reasons, one of which is that we prefer the lifestyle legislation it represents. It allows for a pause day. It has great support throughout the province and through Metropolitan Toronto from large business organizations, from small business people, from workers, from unions and from many religious groups. I think it has the general support of the public.

Having said that, the legislation is very simplistic. We have legislation that says everybody should stop doing retail business on one day of the week. We have some exemptions for those businesses that can stay open. The exemptions are also simple.

We have had many pieces of litigation on the subject. Indeed, we have one at present where one judge said the legislation was unconstitutional. I have asked for that to be appealed because I do not think that decision was correct. It is within the law, and our law provides for and is adequate to provide for one day of rest.

**11:20 a.m.**

I must say I have watched the trends. I know there is a great deal of local autonomy in Metropolitan Toronto. A couple of areas have been allowed to open, but I must say that if that trend continues with the exemption that is there under the tourism section, and I recognize it has wide scope, I might have to come back to this Legislature and ask for some corrections and clarification of that legislation. I would suggest we should not have this trend continue so that large malls are opening, malls of different types

and of a nature that is really not within the spirit and intention of the original legislation.

**The Deputy Speaker:** Thank you.

**Ms. Copp:** Mr. Speaker, a supplementary—

**The Deputy Speaker:** No, I am sorry; no supplementaries. The time for oral questions has expired.

#### RECRUITMENT COST

**Mr. Breugh:** Mr. Speaker, on a point of order: I would like to correct the record on some remarks I made on November 22, 1982, during the debate on the estimates of the Ministry of Revenue. At that time I made an estimate that the government of Ontario had spent something in excess of \$180,000 to recruit 18 employees in Britain. I made that estimate based on comments made by the member for Durham West (Mr. Ashe), the then Minister of Revenue, as to when this recruitment exercise took place. I will quote from page 5337 of Hansard: "There was one recruiting activity in May and June 1982. In fact, it was one trip encompassing a total of four weeks."

The annual report of the Provincial Auditor was released yesterday, and there are some glaring differences between the information I used as supplied to me by the then minister and the report of the auditor. For example, the minister told me it was a four-week trip, but the auditor reports there were 185 man-days—

**The Deputy Speaker:** Fine. I think the member has made his point, but I do not agree that it is a point of order.

**Mr. Breugh:** Mr. Speaker, you have to hear my point of order, because I am trying to correct something I said on the record. These are my words and you have to allow me the privilege.

**The Deputy Speaker:** Would the member please take his seat?

**Mr. Breugh:** I will be happy to, but you are going to hear it.

**The Deputy Speaker:** We will see. Could the member give us some guidance as to how long it is going to take to correct this information?

**Mr. Breugh:** About three minutes.

**The Deputy Speaker:** Could you correct the record then? It is not a point of order, based on what I have heard to this time.

**Mr. Breugh:** Excuse me, I think it would be easier if you were to allow members to stand in their places to correct the record and heard what they have to say for a brief period of time.

That is what I am trying to do, to correct a statement I made, which is in Hansard for November 22, 1982.

I made the estimation that this little recruiting drive trip cost \$180,000. The information I was acting on was given to me by the minister. The Provincial Auditor reported yesterday that the information was not accurate. I simply want to correct the record. I based my estimate on a four-week trip. The Provincial Auditor reports it took 185 man-days. I based it on the premise that the minister, in response to previous questions, had said this trip worked out at between \$10,000 and \$11,000 and reported that 18 people had been hired.

It is obvious to me now I was in error when I made that estimation. The information supplied to me by the minister differs greatly from the information supplied to the Provincial Auditor by the deputy minister on September 14. I want to withdraw that estimate of cost.

#### ORDER OF QUESTIONS

**Mr. Williams:** Mr. Speaker, on a point of order: Can you clarify something for me? It is my understanding that under the standing orders of the House, when a minister of the crown rises in the House to give an answer to a question previously put, normally that is not taken as part of the rotation system whereby members of the House have an opportunity to ask questions of ministers of the crown. If that is a correct interpretation, did you not inadvertently violate that principle today by recognizing the Minister of Agriculture and Food (Mr. Timbrell)—

**The Deputy Speaker:** Order. I appreciate what the member is saying, but, with the greatest respect, apart from the Minister of Agriculture and Food bringing an answer to a previously asked question, the rotation did follow the orders of the day and our rules of order. I kept an accurate record as they flowed. There was that one set aside when we stood down the Leader of the Opposition's question, but the rest followed in rotation.

**Mr. Williams:** I appreciate that clarification—

**The Deputy Speaker:** It is not really a matter for debate.

**Mr. Williams:** No, but I think it is important as a matter of business of the House.

**The Deputy Speaker:** We have gone through that issue. You have spoken to it, and that is how it is.

**Mr. Williams:** I accept what you are saying, Mr. Speaker.

The other point in my point of order, for clarification purposes, is that once a member rises in the House to ask a question, even though the clock runs out midway through his question, does that not entitle him also to put the supplementary question following the answer from the minister?

**The Deputy Speaker:** The procedure is that when a question has been started then, out of courtesy, the member is permitted to complete the question. That is why I was urging the member to be brief, because we were working at the discretion of the House. The same goes for the answer. However, there is no provision for the normal completion of the full supplementary process. It is limited to the question and then, as in this case, an answer.

**Mr. Williams:** I appreciate your answer, Mr. Speaker. I have to serve notice that my supplementary question will be the first question from this side of the House on Monday.

**Mr. Martel:** Is this question period?

**Hon. Mr. Drea:** You guys taught him how to do it.

**Mr. Martel:** We know that rule. We know you don't get a supplementary when the time is up.

**The Deputy Speaker:** Order.

## MOTIONS

### COMMITTEE SITTINGS

Hon. Mr. Wells moved that the standing committee on public accounts be authorized to meet in the afternoon and evening of Monday, December 5, 1983.

Motion agreed to.

## ESTIMATES

Hon. Mr. Wells moved that, notwithstanding any previous orders, the supplementary estimates of the Ministry of Revenue be considered today; the estimates of the Lieutenant Governor, the Premier and the Cabinet Office be considered in the afternoon of Monday, December 5, 1983; and the estimates of the Ministry of Northern Affairs be considered in the evening of Monday, December 5, 1983.

Motion agreed to.

## INTRODUCTION OF BILLS

### MUNICIPALITY OF METROPOLITAN TORONTO AMENDMENT ACT

Hon. Mr. Bennett moved, seconded by Hon. Mr. Wells, first reading of Bill 137, An Act to

amend the Municipality of Metropolitan Toronto Act.

Motion agreed to.

### MUNICIPAL TAX SALES ACT

Hon. Mr. Bennett moved, seconded by Hon. Mr. Gregory, first reading of Bill 138, An Act respecting the Sale of Lands for Arrears of Municipal Taxes.

Motion agreed to.

### PUBLIC COMMERCIAL VEHICLES AMENDMENT ACT

Hon. Mr. Snow moved, seconded by Hon. Mr. Wells, first reading of Bill 139, An Act to amend the Public Commercial Vehicles Act.

Motion agreed to.

11:30 a.m.

### PROVINCIAL OFFENCES STATUTE LAW AMENDMENT ACT

Hon. Mr. McMurtry moved, seconded by Hon. Mr. Wells, first reading of Bill 140, An Act to amend Certain Statutes Relating to the Commission of Offences by Young Persons.

Motion agreed to.

**Hon. Mr. McMurtry:** Mr. Speaker, this act will amend the Provincial Offences Act, the Provincial Courts Act and the Unified Family Court Act as part of Ontario's program for responding to the federal Young Offenders Act.

For the past 75 years, the federal Juvenile Delinquents Act has applied to provincial offences committed by young persons. However, when the new federal Young Offenders Act is proclaimed it will not apply to violations of provincial statutes. Therefore, the purpose of this bill is to implement Ontario's policy on provincial offences committed by young persons.

We believe the present Provincial Offences Act, which applies to persons 16 years of age and over, provides an appropriate framework for dealing with provincial offences committed by persons under 16. At the same time, we recognize that because of the special circumstances of these younger offenders, some modifications should be made to the Provincial Offences Act. Among the modifications we are proposing are the following.

All charges against a young provincial offender will have to be brought before a court. Defence notices commonly known as tickets, which can dispose of offences out of court, will not be issued to young persons. Parents of the young persons will be notified of the charges. Lower



maximum limits will be placed on the penalties that can be imposed in most cases. For example, the fine could often be less than a fine payable by an adult who receives a ticket.

Custodial sentences will be eliminated for all offences. However, if a young person breaches probation following a conviction a custodial sentence would be an available alternative.

All trials will be conducted before a judge of the provincial court, family division. This set of modifications will apply to young persons between the ages of 12 and 15 years inclusive. Accordingly, there will be no change in the present law for all persons 16 years of age and over who commit highway traffic and parking offences which constitute, for example, the vast majority of all provincial offences and are usually dealt with by a ticket.

There is a degree of urgency connected with the enactment of this bill. It must come into effect on the day the federal Young Offenders Act is proclaimed. Despite the request of the Premier (Mr. Davis) on behalf of the council of all provincial premiers for delay of proclamation of the federal Young Offenders Act, the federal Solicitor General continues to express his intention to proclaim the federal legislation on April 1, 1984. Consequently, this bill should be enacted as soon as possible if the police, courts and other agencies are to have sufficient time before April 1 to prepare for implementation of these amendments.

## ORDERS OF THE DAY

### THIRD READING

The following bill was given third reading on motion:

Bill 113, An Act to regulate Conveyances of Dwelling Units in Residential Complexes.

House in committee of supply.

### SUPPLEMENTARY ESTIMATES, MINISTRY OF REVENUE

On vote 802, tax revenue program; item 8, motor fuels and other taxes:

**The Deputy Chairman:** Does the minister have an opening statement?

**Hon. Mr. Gregory:** I do not really have a statement, Mr. Chairman. I just want to point out that one of the two items in the supplementary estimates for the Minister of Revenue is an amount of \$18.4 million for grants under the Small Business Development Corporations Act, which brings the total estimates to \$30 million for the year, in line with the statement of the

Treasurer (Mr. Grossman) in his budget in the spring of this year. The initial amount in the budget for the ministry, \$11.6 million, was put in the estimates books prior to the Treasurer's budget. This amount is bringing that up to the \$30 million.

The second item is for the coloration program, dye mix, for fuel oils. The amount is \$1,363,000, and it covers the upfront cost for the dyeing of the fuel. This amount is fully recoverable from the oil companies and produces an additional \$20 million in revenue to the ministry.

**Mr. Nixon:** Mr. Chairman, our party voted in favour of the small business development corporation concept, and I believe the additional funding is well worth while. We support the concept in principle, but quite a number of the original ideas for the stimulation of business have not progressed as effectively as the SBDC concept.

I do not want to spend any time on it since it is not involved in this estimate, but I think particularly of the Innovation Development for Employment Advancement Corp., which was brought before the Legislature at approximately the same time. That corporation has rented space, hired consultants—which is what government agencies do to begin with—and, as far as I know, has not been able to do anything to disburse even the funds we have made available for the coloration of the gasoline or the diesel fuel.

It has been a continuing pain in the neck for farmers. I know the minister's predecessor had a good deal of difficulty in working out new regulations and new methods of inspection; so it was finally apparent that the coloration was not going to have too deleterious an effect on the operation of farm machines.

In each of these instances certain facilities of the ministry have come into play which yesterday were quite severely criticized by the Provincial Auditor. Since the minister is fortunate enough to have his supplementary estimates come before the House the day after the auditor's criticism, I want to spend a moment asking him whether he could give an additional explanation of some of these areas which certainly impinge on the SBDC decisions and to a lesser extent on the diesel fuel coloration program.

We are referring to the retaining of consultants. These were associated with the ministry in the development of the original policy. The SBDC supervisory group also has access to consultants. I do not want to spend too much time on this, but I do want to point out that probably the auditor's criticisms of what has

happened in this ministry—admittedly and certainly before this minister took over the responsibility—are typical of what we are concerned with in all the ministries of government.

**11:40 a.m.**

The allocation of funds for consultants is totally out of control in this government and certainly elsewhere, but to pay before the services are rendered is an interesting new slant in the provision of make-work programs for friends of the government. The idea of making a contract with a consultant and paying in advance, in the instance here, \$107,300 before the services are rendered seems to be an appalling intrusion into any kind of good sense or even moral approach.

I understand this is often done to use up the money in the allocation of the ministry before the year-end, before it is drained back into the consolidated revenue fund; so the government retains a consultant and pays from this year's budget just in the last few weeks of the budgetary period and then he or she provides his or her services in the next year. There is a real concern about that sort of practice, but even the way we are using consultants in this connection is something that I am glad the auditor has come down on strongly in his criticism.

The other thing that really must be raised in these supplementary estimates—and once again I simply connect it to the programs because, of course, the availability of our very extensive computer facility would depend on its being properly staffed—is that the auditor brings to our attention the fact that eight employees of the ministry went to the United Kingdom and spent 185 man-days of time there to hire 16 people to be brought over to Canada to be employed in the computer facility of the ministry.

The cost of those people travelling to the United Kingdom to hire people to bring them back for jobs here, when our level of unemployment was right around 12 per cent during the hiring period, was \$46,500. He points out that in the previous program they were successful in hiring 11 people to come back from the United Kingdom to work here in Toronto, and before 15 months were up six of the 11 had resigned.

Here is an instance, once again, where I believe the auditor has shown good judgement in bringing to public attention the maladministration in the ministry, which would move into a program that could not be staffed by people properly educated and experienced in Ontario and Canada. I wish the Minister of Colleges and

Universities (Miss Stephenson) were here, because she is always telling us that her programs provide people properly educated for the work requirements in this jurisdiction, and here is clear evidence that she is wrong again.

To send high-level officials over to London, England, to spend 185 person-days to hire 16 people when our experience in the previous year was that most of them quit within a few months of arriving here is really very bad business indeed.

Mr. Chairman, I know that you have no doubt already perused the auditor's report in detail. But if not, this is one section you really ought to take the time to read because, in a nutshell—and I hope the minister will forgive me for using that reference—it shows problems in his own ministry that are being experienced in the ministries of all of his colleagues in the government of Ontario: this unrealistic and weird commitment to consultants and the approach that there is absolutely no limit on the fees paid.

I simply say in parentheses that elsewhere in this book, on page 156, the Provincial Auditor points out in reference to the Ontario Waste Management Corp., once again under hiring of consultants, which is a general sort of heading right through the book, the ministry's hiring of a consultant at \$1,300 per day to do the business that surely the minister's officials should be equipped to do and certainly are paid to do.

Further, I would bring to the minister's attention the report that we get year by year from his colleague the Chairman of Management Board (Mr. McCague). He spends a lot of time reading all the palaver prepared for him by his speechwriters hired as consultants to describe to us the centralized management consultant facility that the Chairman of Management Board hires to make available to his colleagues throughout the ministry.

The ministers themselves often go out and hire, I would have to say, people with whom they have had previous acquaintance, and in the case of the Ministry of Revenue, which we are talking about, they pay them in advance. They turn over \$107,000 to consultant A and say: "Look, there may be something in the next fiscal year that we will want you to do for us. But meanwhile we have to drain this extra money out of our allocation so that we will not lose it back to the taxpayers and the consolidated revenue fund."

This is the kind of sickening thing that this minister, who is really just now moving into an area where he has online ministerial responsibil-



ity, can put a stop to. It is an area where this minister and his connection with good old hard-business Tory free enterprise Ontario could really set an example to his colleagues.

The other thing that concerns me is the habit of top-level employees of the government to move into the capitals of the world, ostensibly on the business of the government of Ontario, hire the very best suites, call room service and have the best stuff sent up for them, knowing that they really do not have to answer to anybody.

The poor minister is put on the spot; he has to defend his employees. His deputy is pushed on him by the Premier—and we have already had plenty of discussions about that—his senior civil servants he inherits, and often they have a condescension to the new minister that is based, particularly in Revenue, on the fact that the ministers are either on their way up or on their way down and are sitting in the minister's chair for only a few months. They run the whole thing on their own.

Thank God for the Provincial Auditor, who this year has enough steel in his backbone and enough grit in his approach to this to level some criticisms that mean something. He points out that this bunch of senior civil servants from Revenue went over to London and ran up all these expenses I was talking about. They charged an average of \$44 per meal, lunch and dinner, and since on the weekends they did not have much to do, on two separate weekends they hired, at \$550 a go, a rental car so that they could look around England and enjoy what has to be one of the most marvellous places on earth.

Most people, including members of this House, when they go to England and rent a car and so on, pay their own expenses; I am sure the minister himself would do that. We are prepared to pay for the legitimate expenses of people who are on public business, but the attitude of senior public servants is that somehow God and the Ontario taxpayers owe them a level of living far more elaborate and expensive than they are ever designed to live on, even with their own inflated salaries. Some minister is going to have to slap them down in a big way.

The Provincial Auditor even points out, in his nice dry style on page 86, commenting on the Ministry of Revenue: "A further analysis of documents supporting the 1981 and 1982 recruitment expense claims," that is the trip to London, "discloses that a substantial number of the meal costs reimbursed represented the purchase of

liquor, wine and tobacco. The above-mentioned ministry directive states that the charges should not include any bar bills."

We do not want to spend a lot of our valuable time nitpicking about an extra double martini or a \$9 cigar, but it is the attitude that we have to bring under control. I simply say to this minister, who had nothing personally to do with this fiasco, that he is now in a position to call in his senior officials and say: "That is the last trip to London that you people are going to make. You have been developing it on an annual basis.

"You are not going to go over there and move into the Savoy or its equivalent and hire cars on the weekend and buy the most expensive meals in town, bring back a handful of British subjects who come over here and work for this government for a few weeks and then move away, having taken all the advantages that were dangled before them to come to their employment here and go on about their business and the Ontario taxpayer is made to look like an ass."

**11:50 a.m.**

We are here, and the minister is too, to protect the taxpayers and, as we approve these supplementary estimates, I just want to say he is one of the few guys I know over there who might be tough enough to ensure that it will not happen again.

Actually I made a similar speech to his predecessor, whom I see is now in the House. He is another one of these ministers with a receding hairline who is steeped in Tory free enterprise, but he allows these birds to pull the wool over his eyes. I cannot believe that such things could happen.

I regret that the former minister, who is responsible for this, would have allowed his senior civil servants to drain the allocation to the ministry to pay for consultants before the end of the fiscal year for jobs that perhaps were not even determined at that time, and then allow his senior staff to go on their annual junket, absolutely unrequired on a yearly basis, and live it up in England at public expense.

This is when one is called to account. The Provincial Auditor simply puts it in his book and places it on our desk. All we can do is raise the devil with the people over on the other side of the House who should know better and should be strong enough, and I believe they are, not to let the senior civil servants give them the old line about, oh well, they do it in Treasury, or they do it in Health, or they do it in Trade or whatever. It is just a terrible attitude in government that they allow themselves to be sucked into these



processes that are absolutely insupportable in a democratic Legislature and particularly in a province that is suffering from the kind of economic deprivation that has been forced on it by other government policies.

**Mr. Breagh:** Mr. Chairman, I want to—

**Hon. Mr. Ashe:** Bob, do you think the minister should sign all the expense accounts?

**Mr. Nixon:** When you see expense accounts.

**Hon. Mr. Ashe:** Do you think any minister should be signing all expense accounts?

**The Acting Chairman (Mr. Rotenberg):** Order. The member for Oshawa has the floor.

**Mr. Nixon:** He is asking me a question. I'll tell you—

**The Acting Chairman:** Will the minister please stop the interjections.

**Mr. Breagh:** Mr. Chairman, I appreciate that you were caught in the cross-fire there.

I had to do something today that I did with some reluctance and that I cannot recall having had to do before. I had to correct the record about some remarks which I made in this Legislature better than a year ago. In fact, it was during the estimates of the Ministry of Revenue on November 22, 1982, when I was pursuing, among other things that day, the matter of this hiring trip to Great Britain.

It had been reported to me locally in Oshawa. Some people there thought it was rather strange to travel to Great Britain to recruit in a day and age when there was a high rate of unemployment in Canada and where, in theory anyway, our community colleges, universities and post-secondary training facilities were turning out people who were experts in the use of computers.

In fact, in some respects we lead the world in some forms of training in that regard. It seemed odd to some local people that it was necessary for the Minister of Revenue and people working for the ministry to travel to Great Britain to recruit these people.

I went on at some length that day trying to determine exactly the purpose of the exercise. How much had it cost? Why had we failed to recruit in Canada people who could do that kind of job?

My quandary is simply that what is clear to me now is that I have been misled. What is not clear to me is who misled me, because there are two completely different sets of statistics provided on the matter. For example, the Hansard of the day will show that the then Minister of Revenue provided me with almost a totally different set

of numbers on the matter than was reported by the Provincial Auditor in his annual report tabled yesterday.

I know the rules of the House would forbid me from saying the minister lied to me, and I am not sure he lied to me, but there is certainly a glaring discrepancy between what the then Minister of Revenue reported to this Legislature during that debate and what I take it the now Deputy Minister of Revenue reported to the Provincial Auditor.

I do not know who misled me, I do not know who lied and who told the truth, but I do know that I am going to find out. I simply want to put on the record this morning the differences, which are rather marked and which I think need to be explored.

First of all, the rather wonderful conclusion was given by the then Minister of Revenue that this turned out to be some kind of great cost-saving venture, that somehow it cost them \$14,000 just to try to recruit in Canada the people to do this kind of job and in fact they had gone across the country to recruit them and could not find them.

So they were forced, though they did not want to, to travel across the pond to Great Britain, where it cost them only about \$10,000 to \$11,000 a candidate. He did say that was not the purpose of the exercise, but somehow he has worked it out so that it cost him \$14,000 to hire somebody here in Canada, whereas they can travel across to Britain and do several other nice little things on the side and it costs them only about \$11,000.

I have some difficulty believing what is going on here. I have some problem understanding how you can travel all the way across the water, stay in very expensive accommodations in Great Britain and do it more cheaply than you can do it here. It seems to me that, at one end of the process or the other, something is amiss. I have some difficulty understanding why it costs \$14,000 to recruit somebody for very good jobs like these in the first instance.

I just want to go over the record and see if we can figure out this puzzle.

In the Hansard of that day, the then Minister of Revenue, the member for Durham West (Mr. Ashe), said that this in fact was "one trip encompassing a total of four weeks." The Provincial Auditor, on the other hand, reported in his annual report, which I received this morning, that this was a recruiting trip which used eight members on a recruiting team and took 185 man-days.

How long did this recruiting trip take? The

minister says in the Legislature four weeks. The Provincial Auditor says it took 185 man-days, whatever that is. But it does not take a whole lot of mathematics to figure that if there were eight people involved, they were over there for a little more than four weeks; like double that. How does that happen? Does the change in terminology mean a change in the accuracy of the statistics?

**Hon. Mr. Ashe:** Multiply it out and it comes to 20 days.

**Mr. Breaugh:** You multiply it out. These are your numbers. If you can get four weeks into 185 man-days, I would be interested to know how you do that.

**Hon. Mr. Gregory:** Divide the eight into 185.

**Hon. Mr. Ashe:** That is pretty simple even for a former teacher.

**Mr. Breaugh:** I cannot say that the minister lied to me, but he certainly gave me a far different impression of this exercise than what was reported by the Provincial Auditor. Because the auditor chose to put this information in the book, I take it that he too thinks it is not quite a kosher way to operate. I would tend to say I support the auditor in his assessment of it but I want to get to the facts of the matter, because there appears to be some confusion. There is certainly a great discrepancy between what the former Minister of Revenue said in this House during debate of his estimates and what was reported to the auditor. Somewhere we are going to find out just what the facts are in the matter.

There are a couple of other things that I think are interesting. The minister on that morning said, "As a matter of fact, the total cost relating to the recruiting in Britain was \$67,000." The Provincial Auditor, in his report tabled yesterday, said the total expenses were \$46,500. There is a little discrepancy there, too.

Which was it? Which set of numbers do we base our opinions on? How do we form an accurate assessment of whether this was a useful, worthwhile activity for the government to engage in? There are two sets of numbers in operation here and obviously they both cannot be right. At least the discrepancies have to be cleared up.

#### 12 noon

As a matter of fact, and I really thought this was an interesting exercise, the only thing on which there was total, clear agreement was on how many jobs were available: 24. The minister in his speech on the debate and the auditor in his

report agree that there were 24 jobs. But they cannot, for example, even agree on how many people they hired. In the auditor's report, as of yesterday, he says 16 people were hired in 1982. In the estimates last year, the Minister of Revenue said 18 were hired. Was it 16 or 18? What was the total cost of the exercise?

I am feeling some frustration because the rules of this House say—and I am a proponent of the rules, as most members know—we cannot call people liars; we have to assume everybody is honourable. That is really the only civilized way to proceed. I do not want to call the Provincial Auditor a liar either. Yet the numbers he used in his report, in this information here, were supplied to him by the Deputy Minister of Revenue who "responded to our comments on September 14, 1983."

This is not something that was done off the top of someone's head. There were obviously people involved who had the time and the resources to provide information. The question is, what information did they provide? Between what the Provincial Auditor reports and what the minister said there are substantial differences as to the length of the exercise, its cost and which costs are included in this total. There seems to be a good deal of creative accounting going on. That is all aside from the main point which ought to be, was the exercise necessary and useful?

I accepted the minister's argument at face value that day that they could not find people who could fill these jobs on this continent. In essence, that is what he said, that it was absolutely essential because nowhere in North America were there people who could fill these 24 jobs. He went to some length to make an argument that they had spent a lot of time, money and effort in Canada, from one end of the country to the other, to find these 24 people and could not do so. So they were forced, when they did not want to, to journey across the pond and stay in strange places for a while.

It seemed to me a relatively simple matter to determine how much it cost and whether it was a worthwhile exercise. I rather thought the issue had been dealt with more than a year ago. It came as some surprise to me to read in the *Globe and Mail* and the *Toronto Sun* this morning that, all of a sudden, a new discovery has been made, when it has been in *Hansard* for over a year. It is been a matter of public record that we had that discussion. It seemed to be a relatively simple thing I would read in the Provincial Auditor's report when I received it in

my office this morning. I expected to read roughly what we had discussed more than a year ago.

It came as a bit of a surprise that the numbers upon which we all based our judgements were different. They are not exactly in total conflict, but they are different. That is interesting to look at. It is not quite as clear as being able to say that somebody lied to somebody, but we certainly can say the numbers do not jibe and what the Provincial Auditor acted on in his report are not the numbers that were presented to the Legislature when we debated the matter. I would like to know how we are going to proceed from here to identify who was right, who gave accurate information.

Many of us have a lot of respect for the process of the Provincial Auditor and the ability of that office to investigate the expenditures of government, to identify areas where things are perhaps not being done in a proper way or to point out areas where through oversight the government has not got around to fixing up proper procedure. If the Provincial Auditor bases his report on information that is wrong, or I would go so far as to say information that is certainly different from information provided to members of the Legislature in estimates debate, then he cannot do the job properly. He does not get accurate information from ministry staff; he is given different information in a different form. The result of that is confusion, not clarity.

The Provincial Auditor has an excellent opportunity to get information that ordinary members would have some difficulty in getting, mostly because ordinary members of this Legislature do not have the kind of staff they would need to go through ministry records. I have no one working for me who can spare that time or effort. The two people who work for me, one here and one in Oshawa, have very different roles cut out for them. Frankly, they are roles I think are important, more important than anything else. Their time is occupied in that way. One would have a hard time arguing that the members here have enough time to do that.

That would all be based on the premise that the government would be willing to open up its books and share information with opposition members. Even in the recent debates that is not the case. We do not have a freedom of information law in Ontario yet. The government hands out only such information as it chooses to hand out and only on occasions when it chooses to do so.

In this case, where a member of the Legislature has asked the minister in one instance and the Provincial Auditor has asked the deputy minister in the second instance, there are differing numbers provided. Certainly, it is clear to me there is a void here. I do not know how it will be resolved. I would have some hope, for example, that the auditor might now go back and ask the deputy minister to clarify the numbers that were provided because they are in clear conflict with the statements made by the then minister in the Legislature.

That is something people should not take lightly. When a minister of the crown rises during the estimates debate, it is usually on a day and in a situation such as today. The media has gone to file the flash stories of the day; the television cameras are all shut down and taken out. Usually, there are very few people who are sufficiently fascinated by the process to come and sit in the gallery. Yet it is all a matter of public record.

It is not as though the minister were testifying in a court of law. But if we read the old-fashioned words in Hansard and on the order paper, we will see there are witnesses appearing before committees and there are debates scheduled in the Legislature itself. In many respects, when the Legislature does meet, it is an occasion that is not unlike a court.

In this House we do not ask members or witnesses before committees to swear an oath all the time. We are a little more casual than that. But we work on the assumption that no member is going to lie or distort or deliberately mislead anybody else. We work on the basis that when the ministers are asked questions, they will give honest, accurate information.

The slippage often occurs, of course, when ministers take advantage of the fact that they do not have to provide all the information. In this Legislature they are allowed to give tidbits only, here and there, and they exercise that privilege every day. They will release the little bits of information they want to release. Opposition members do not have an opportunity to get all the facts and make their own judgement.

For example, when I withdrew my estimate this morning, I had to do that because I had based it on what now appears to be, if not faulty information, at least information different from that provided to the auditor. I thought we had gone through a relatively simple exercise that morning, a rather straightforward one, as a matter of fact. The minister told us his estimate for this recruiting exercise in Great Britain was



between \$10,000 and \$11,000 per recruit. There were 18 recruits. It does not take a lot of time to figure out that he spent at least \$180,000 in the course of the exercise.

If we read the Hansard for that day, we will find all of this is based on little bits and pieces of information here and there. It has to do with travel and advertising costs. The minister made a bit of an argument that previously they had used a professional recruiting service in Great Britain and they were not satisfied with those results. In fact, he said it was more expensive to do it that way than to send ministry staff to do the hiring.

When honourable members look at that, they are forced, probably willingly, to accept the minister at his word. Not being able to go over the books, so to speak, to clarify exactly what the costs were, they have to take it on that argument.

**12:10 p.m.**

I now feel the estimate I put together from information given to me by the Minister of Revenue in that morning's debate was at least inaccurate. I am not at all confident either that the information supplied to the Provincial Auditor by the deputy minister was accurate. I do not know. I do know there is a discrepancy between the two sets of numbers. I do not have much belief that the ministry has put out straight, accurate information on this recruitment program.

I think it is important because it challenges the way a legislature is supposed to work. I am supposed to believe that what a minister tells me is a fact. When that fact does not correspond with facts provided to me by the Provincial Auditor of Ontario, one of them is wrong. At least we can say that. Just exactly why they are wrong and who is wrong is another matter.

I wanted to put these things on the record and to say them at some length. When I attempted to correct the record today, I was rather saddened that I was interrupted by the Speaker, which is another matter entirely. I do think when a member rises to correct what he said in a previous debate, it is important that the member at least has the opportunity to be heard. Indeed, it is fortunate we have supplementary estimates before us this morning, which give us a little more time.

I think the issues I have raised on this one item are important. There is a problem here. I am going to lay it right back to the new Minister of Revenue. I think it is his job now to try to clarify the differences that are there and to provide us with complete and accurate informa-

tion. The judgement call on whether this recruiting overseas is necessary is still out. I really have a great credibility problem with that.

I cannot believe these people cannot be found, at least in North America. I cannot believe the Minister of Colleges and Universities (Miss Stephenson), who is smiling nicely and politely in the front row as always, could not provide people of this calibre from our universities and post-secondary institutions to work in the various ministries. I have listened to her on a number of occasions talk about those problems.

**Hon. Miss Stephenson:** There is a worldwide shortage.

**Mr. Breaugh:** That is the problem. Since she is the minister responsible for training people in this type of skills program, it seems to me, if she acknowledges a worldwide shortage, she sure as hell ought to be at work making sure Canadians can supply that shortage. That is an obvious deduction.

I want to conclude my remarks by saying very briefly these discrepancies point out that there are problems that have to be resolved. It is not a reasonable way to proceed when one cannot believe a minister of the crown or the Provincial Auditor of Ontario. We count on those institutions to provide us with accurate information. Quite frankly, it seems to me this should not be a major scandal and is not going to be a major scandal; it is a relatively simple matter. The minister on that morning's debate more than a year ago chose to lead me down the garden path, so to speak, by giving me bits of information.

Unfortunately, the Provincial Auditor seems to have been somewhat deceived by the process as well because, though he did take note that there were some practices that should be corrected, and he certainly took note that this recruiting process leaves something to be desired from an accounting point of view, he may well have been acting on wrong information. Although he cannot rise in this House and ask to correct the record, I am sure he will have something more to say on another occasion, perhaps before the public accounts committee when we can go back to it.

The difficulty I have is that we are left hanging. We do not know who to believe, or at least I do not. I am not sure which set of numbers is correct because they supposedly came from the same ministry, and I believe the same deputy minister supplied information to both the then Minister of Revenue and the Provincial Auditor. It causes a problem. One does not know who to believe. One only knows

one has been misled and one does not have totally accurate information concerning the accounting of that process.

It is not a very healthy day for the Legislature or a very happy day for someone like me who believes a minister will not lie to me, who believes a minister may not give me the total picture, but at least will give me some information upon which I can make a reasonably objective and accurate assessment of whether this recruiting drive, for example, was a sensible thing to do. I do not feel at all that way this morning. I feel I have been deceived. Worse than that, I usually like to know who deceived me, and right now I do not know.

I will pursue that in other veins where I can and I hope the Provincial Auditor will pursue it as well. I hope the minister will attempt to provide us with an accurate assessment of what exactly did happen and just exactly how much it costs. It would be nice to know exactly how many employees were hired. It would be nice to have an accurate picture of precisely how long this exercise took, exactly what it cost and exactly how many of those people still work for the ministry.

I think all of those questions are ones which deserve an answer. The Legislature deserves an answer, the Provincial Auditor deserves an answer and, more than that, the people who pay the taxes in this province deserve a straight answer on that particular question.

**Mr. Nixon:** I just want to say a word or two before the minister responds, since his predecessor has now left the House. He interjected a couple of questions to me following my criticisms to the minister on the subject the member for Oshawa (Mr. Breagh) has just been talking about.

The former minister asked: "Should the minister okay everybody's expense account?" The implication is that the Ministry of Revenue is so big that the political person at the head cannot be held responsible for what happens in the lower echelons.

I think none of us in the House can accept that. I would think if the lowest employee of the ministry misappropriated a 30-cent stamp or something like that, the minister is responsible whether he knows about it or not. That goes without saying. I am sure the former minister was not intending to question that area of responsibility.

But in a scam such as this, which was talked about on the streets of Oshawa and probably in the tap room of the Genosha Hotel, where

government people were going on their regular trips to London, if the former minister is trying to imply that he does not know anything about it, I am afraid that while we believe him, we simply cannot understand how he could be so divorced from reality.

The present minister is not divorced from reality. Being the kind of person he is, I am sure he already knows the word that is going around the large, new headquarters facility about this one and that one and who is going to go on the trip to England this year, etc.

I think one of the best medicines all the ministers and their senior officials will be treated to is the word that Mr. Alan Gordon has just tendered his resignation as deputy minister. That probably will be some of the best medicine the senior officials can be treated to.

**Mr. Philip:** It shows the power of the opposition.

**Mr. Nixon:** Yes, it does. I hope it does not show that the Premier (Mr. Davis), by crooking his little finger and dismissing somebody, who will be probably then retained as a consultant under some other circumstances, thinks he has got rid of this disease that is riddling a ministry that has obviously been too long in office. I am talking about the decade that it has been in office under the present regime.

The ministers really have to be tough as nails because they have, through the support of the majority of this House, been given the specific responsibility to oversee the expenditure of hundreds of millions, billions of dollars. We simply cannot allow the public service to establish the attitude that there is no check on them, that anything they can do is okay. We cannot put the ministers in the impossible position where they have to defend the impossible. We will back up the ministers when they take a strong and independent stand to lead, and in this minister's case to clean up and then lead his own ministry.

**Mr. Breagh:** I want to put on the record a couple of comments about this resignation, to which maybe the minister wants to respond. I, for one, am not elated that someone named Alan Gordon would—

**The Deputy Chairman:** We are now looking at the Ministry of Revenue.

**Mr. Breagh:** I am aware of that. I can read the order paper and I spoke previously in the debate. I know that. If you had not interrupted me in mid-sentence, you might understand that I am going to relate that to the ministry process.

**Hon. Miss Stephenson:** Why are you all so snarky this morning?

**Mr. Breagh:** The Minister of Colleges and Universities is accusing someone else in this House of being snarky?

**Hon. Miss Stephenson:** Yes, I am.

**Mr. Breagh:** That is outrageous.

**The Deputy Chairman:** We are back on vote 802 of the Ministry of Revenue. The member for Oshawa has the floor.

**Mr. Breagh:** May I just conclude my remarks about this process that is used in this ministry and all the ministries. The problem about accurate information is not resolved by shooting the piano player. That does not solve the problems in saloons, and the fact that someone resigned does not solve the problem here. I am never pleased when a civil servant resigns because it seems to me this government will use that as a solution. I do not think that is the solution to the problem.

**12:20 p.m.**

The problem, as I tried to lay out earlier, is the manner in which opposition members or anyone—people in the public or members on the government side—can get accurate information from the ministry and whether there are proper procedures being followed, according to the government's own guidelines. All of that is not resolved by somebody resigning; it gets resolved by having some access to information and by having a reasonable set of procedures to follow.

I think it is not unreasonable to say that on this side of the House, for example, when we look at manuals of administration or at guidelines laid down by the Management Board of Cabinet, one of the things we have to accept as members here is that those guidelines will be followed. When they are not followed, a resignation does not solve the problem; it only makes that individual go away. I am sure government members, perhaps ministers, will say, "Well, that problem is all gone." However, from my point of view, the problem remains.

An individual may have lost his job, so to speak, but the government has not admitted that a dismissal was under way here. Someone has resigned; someone has done the honourable thing according to the old British tradition and given up a very good job. That is not going to resolve any of the difficulties I pointed out to the minister this morning about getting accurate information.

I would very much like the minister to try to

address himself to that point if and when he responds, and I hope he actually does that.

**The Deputy Chairman:** Does any other member wish to participate in this debate? I call on the Minister of Revenue.

**Mr. Nixon:** On a point of order, Mr. Chairman: Are you suggesting this will close the debate if some members want to pursue the matter further? Surely not.

**The Deputy Chairman:** No.

**Mr. Nixon:** Okay.

**Hon. Mr. Gregory:** Mr. Chairman, first, I would like to comment on the remark by my friend the member for Oshawa (Mr. Breagh). I have no intention of commenting on the resignation of a deputy minister in another ministry. I do not think it would be fair for me to do that, and I do not think the member really expected me to. If I may, we will go on from there.

None of these consultants was involved in the small business development corporations program or in the coloration program. In effect, we are talking about something else. That is fine; that is fair game because of the Provincial Auditor's report. I happen to be fortunate, as the member said, to be presenting my supplementary estimates on the day after the Provincial Auditor's report was tabled. It is fortunate or unfortunate, depending on how one looks at it. At any rate, here we are.

The member for Brant-Oxford-Norfolk (Mr. Nixon) was discussing the prepayment of consultants. That, of course, is well covered in the auditor's report as well as by comments by my deputy minister. However, one should read on, beyond the comments of the auditor and the way the deputy minister has addressed that particular problem.

Yes, there were four cases where there was prepayment or the actual cost was not covered in the proper year; that was admitted. It was also admitted that it was a mistake and steps were taken to correct this. In the following year, none of this occurred. All of these payments for consultants were within the proper given time frame.

It is interesting to note—and this, of course, is not justifying it in any way—that there were only four out of 565 contracts where this occurred. This can occur, whether it is called a mistake, an oversight or whatever. The fact is that it happened, it was recognized that it was wrong and it was corrected. Now the situation is working as it should. That is fine. Unfortunately,



with the auditor's report, he does not always go beyond the specific year he was looking at.

I want to turn now to the recruiting trip to the United Kingdom and whether or not some of these people were available from community colleges etc. The ministry was looking for experienced middle management. These people were not available in Canada. That information came from working in co-operation with Canada Manpower and Immigration, and the trip was supported by them because these people were unavailable. My friend the member for Oshawa may wish to dispute that point, and that is his privilege, but the information I have is that they were not available here in Canada. Therefore, this happened.

Whether this visit that produced this great scandal, according to the auditor, was justified or unjustified, if one looks at the figures for expenditures on meals etc., my friend the member for Brant-Oxford-Norfolk has been to England fairly recently and knows a figure of \$15 a day would be totally out of whack. If one lived there on \$15 or even \$25 a day, one would still not be living in the lap of luxury.

If the member goes by the number of meals that were eaten over there but not charged, he will recognize that \$15 was a figure beyond which receipts must be supplied. Obviously, there must have been many meals, assuming these people did not go without meals for several days in a row. If one takes the average, one is going to come out with an expenditure of about \$29 per day in England.

If my friend the member for Brant-Oxford-Norfolk or I can go to England and live on \$30 a day each, I say to him to put me on the list; I would like to go. I suggest it may even be a good idea if we look into that situation to see whether it can be done. I do not think we would last. If he looks at it realistically, I think he will realize those figures are really out of whack. Again, the comments of the deputy minister, which follow the summary by the auditor, make that adequately clear.

In regard to the numbers of people hired, he said: "There were 18 hired. Two resigned, and they were not paid. Sixteen were retained and are still retained" on this trip the member was referring to. "Previous to that there were 11 hired; six of them did resign"—presumably after they came to Canada—"for better offers on the outside. Their travel costs have been recovered to the tune of \$9,000." The figure the member asked for several times is a net of 16. Eighteen

were hired; two resigned and were not paid. So there was no cost for those two.

The one thing that remains outstanding is this matter raised by the member for Oshawa about the information he was given, whether he was given false information and by whom. It was mentioned that the information was supplied to the Provincial Auditor by the Deputy Minister of Revenue. In fact, no information was supplied to the auditor by the Deputy Minister of Revenue. The auditor himself examined the accounts, and any information he has from Revenue comes from his auditing and examination of those accounts.

It is pointed out that the auditor's figures, in our opinion, are correct. They are in accordance with our internal audit. I do not really think there is any argument. If the member feels he was given false information in the past by the auditor or whoever, I cannot comment on that, obviously; I was not around. Frankly, I did not have an opportunity to examine the Hansard he talks about.

As to the mathematics of whether or not it was 185 man-days among eight people, I am not of the impression that all eight were there for the full time; so it could have gone beyond. My understanding of a man-day is one man or woman working one day. If there are eight people there, that is eight working days or eight man-days. If one divides that into total man-days, one will find out on the average how long they were there. I think that works out to about 23 days, as I read it. If one assumes a five-day week, that is slightly over four weeks; if one assumes a six-day week, that is almost right on four weeks. I do not think we have a great deal of argument. We are batting figures back and forth that really do not mean a great deal.

**12:30 p.m.**

I do not think I have anything more to say at the moment. If there is any additional dialogue, fine.

**The Deputy Chairman:** Any other debate? Ready for the question?

Vote 802 agreed to.

On motion by Hon. Mr. Wells, the committee of supply reported a certain resolution.

ROYAL ASSENT

**The Deputy Speaker:** I beg to inform the House that in the name of Her Majesty the Queen, the Honourable the Administrator has

been pleased to assent to certain bills in his chambers.

**Clerk of the House:** The following are the titles of the bills to which His Honour has assented:

Bill 68, An Act to amend the Employment Standards Act.

Bill 86, An Act to amend certain Acts respecting Regional and Metropolitan Municipalities.

Bill 87, An Act to amend the Police Act.

Bill 90, An Act to amend the Assessment Act.

Bill 92, An Act to amend the Health Disciplines Act.

Bill 93, An Act to amend the Family Law Reform Act.

Bill 94, An Act to amend the Charities Accounting Act.

Bill 95, An Act to amend the Public Vehicles Act.

Bill 96, An Act to amend the Highway Traffic Act.

Bill 97, An Act respecting Central Trust Company and Crown Trust Company.

Bill 106, An Act to amend the District Municipality of Muskoka Act.

Bill 107, An Act to amend the County of Oxford Act.

Bill 113, An Act to regulate Conveyances of Dwelling Units in Residential Complexes.

Bill 124, An Act to amend the Wages Act.

Bill 128, An Act to amend the Residential Complexes Financing Costs Restraint Act, 1982.

Bill Pr12, An Act respecting the City of Toronto.

Bill Pr22, An Act to revive Silverstone Oil Company Limited.

Bill Pr26, An Act respecting the Institute of Management Consultants of Ontario.

Bill Pr33, An Act respecting Certain Land in the Town Plot of Smyth, in the District of Nipissing.

Bill Pr34, An Act respecting Eastern Pentecostal Bible College.

Bill Pr44, An Act respecting The Corporation of Massey Hall and Roy Thomson Hall.

#### CONCURRENCE IN SUPPLY, MINISTRY OF TRANSPORTATION AND COMMUNICATIONS

**Mr. G. I. Miller:** Mr. Speaker, it is a pleasure to rise and participate in the windup of the debate on expenditures for the Ministry of Transportation and Communications. Also, I would like to make a couple of points as we wind down the 1983 proceedings of the Legislature.

I want to indicate to the minister that the Ministry of Transportation and Communications can affect the development of an area perhaps as much as or more than any other ministry in the government. I point out that in our area of Ontario in particular, there is a need for continued maintenance and improvement of the facilities provided by this ministry.

We appreciate that the minister was at Caledonia just a couple of weeks ago to open the new bypass. That is working quite well, I want to report to the minister, and I have had the opportunity of utilizing that facility. However, because of the location of Stelco and the industrial area being developed in the region of Haldimand-Norfolk, there needs to be continued improvement of the transportation system and the provision of much-needed work in the area for companies such as Cayuga Quarries and the other quarries to provide work opportunities. There are already designs on the table to complete Highway 3 between Nelles Corners and Jarvis, and we hope that will take place in 1984.

We have written to the minister to point out that there are several crossroads on Highway 3 and Highway 6 which could be improved to prevent tragic accidents. There was one on Highway 3, at a place known as the Catholic Church Sideroad to Sandust Road, where four people were killed in a bad accident this past summer. I hope the minister will see fit to provide better lighting, although perhaps better signing would be the correct approach to indicate to the public there is an intersection ahead. It perhaps would alleviate some of the problems that have come about because of the bad line of sight at the old bridge on Highway 3. It is a hazard. I know that with the new construction that is being proposed, a lot of the hazard could be eliminated, and I hope this will take place in 1984.

I would also like to point out to the minister that the industrial park is not now being served by a direct link by the Ministry of Transportation and Communications; it is being served only by regional roads. I have made the point before that it should be the responsibility of the province, and not that of the region, to supply the highways that are needed. Perhaps in the near future the ministry will consider linking that industrial park by MTC roads rather than by regional roads, so that the region will not have to contribute as much towards the maintenance of these arteries.

In order to have an efficient transportation system to develop the area, a good direct link could be built between Nanticoke and Port Colborne. Again, they are using regional road 1 between Dunnville and Nanticoke rather than Highway 3. One has to detour on it, and it is a crooked road. The traffic, of course, takes the shortest and most direct route, which is the regional road.

Down the line a road or highway could be developed between Port Colborne and Nanticoke. It would open up an area such as Dunnville to an expressway, which as the minister is well aware has contributed to the development along the Queen Elizabeth Way and his particular area of Ontario.

Another connecting link could be from Nanticoke to Hamilton. I know the Caledonia bypass is the first step in that development. Highway 6 has the proper right of way for four lanes between Hagersville and Caledonia. Consideration should be given to four-laning that because, as the minister is well aware, a two-lane highway, when one gets behind heavy truck traffic, makes it dangerous for passing and for faster-moving vehicles.

Once one gets to Caledonia, of course, there is a connecting link from the Caledonia bypass to Highway 403, which is now being proposed to be hooked up from there to Highway 403 at Fiddler's Green Road. Perhaps that would make the Caledonia bypass work more efficiently if it were completed.

There has been some opposition to using the Fiddler's Green Road. Some recommend that using a line between Fiddler's Green and Southcote Road would be more advantageous and less disturbing to the people who live in the Ancaster area. I have received correspondence from people who are concerned, particularly in Ancaster. I hope the minister will give that some consideration, because it is going to serve the area for many generations and it is going to be very useful. The one that would do the least amount of environmental damage would perhaps be the best access route.

Another matter that has been brought to my attention as the member for Haldimand-Norfolk is the question of people who have their licences privileges suspended because of their drinking problems. One such case came to my attention the other day; it involved a man whose licence had been suspended for three years. I am not denying that his licence should be suspended—

because it was not his first offence; he has had a couple of offences—but he is a farmer—

**Hon. Mr. Snow:** Let's be honest.

12:40 p.m.

**Mr. G. I. Miller:** No, I am making a point for consideration.

**Hon. Mr. Snow:** Just put the facts on record.

**Mr. G. I. Miller:** His licence has been suspended. There is nothing wrong with the suspension; I am not saying there was.

**Hon. Mr. Snow:** It will not be for two offences. You said a couple and it would have to be three. Now let's be honest.

**Mr. G. I. Miller:** Okay, three then. I am not arguing that point. The point I want to make is that this chap is a farmer. He recognized he had a drinking problem and has gone to the Home-wood clinic in Guelph to take treatment. He has a young family and it is putting a lot of pressure on his wife to transport these young people.

I know he has to pay the penalty, but should there not be a method by which he could be allowed to have his driver's licence back so that he can make a living and provide for his family, if he can prove within a shorter period of time that he has his drinking problem under control?

The point is he must prove that he does have it under control. I would not want to say he should go back on the road at the risk of the general public, but unless that correction can be made three years is a long time. He could perhaps report on a daily or weekly basis to assure the public will be protected and yet he can provide for his family. I would like the minister to give that consideration.

The other incident which came to our attention was a person who had a spell at work. He was not on the road; he was working in Niagara Falls for the railway at the time and lived in Hagersville. Because he had this attack and went to a good doctor he was reported and had to give up his licence. I think that was in February or March this year. The rules indicate he has to give up that driver's licence for a year.

He has gone back to his local doctors and specialists and they have indicated he should be able to drive. They have given that assurance. Yet he has to wait a full year before his licence suspension can be reviewed. He has been put in the position of not being able to get to work, his sick benefits have run out and he is being forced to go on welfare in order to support his family. He and his doctors feel he should be able to return to work. Two doctors and a specialist consultant should be enough support to allow



him to go back to work. I would like the ministry to review that process because it is creating much hardship to many families in Ontario.

The only other point I would like to bring to the minister's attention is the Provincial Auditor's report. Regarding the transfer of vehicle information, of approximately 190,000 vehicles transferred between October 26, 1982, and November 30, 1982, when the vehicle data base was frozen, 55,000 have not been successfully processed or updated to the data base as of June 1983. Maybe the minister is in a position now to give us an up-to-date report on that. Again, in dealing with our office there was some confusion. Perhaps this is one area where it was coming about.

The other point was that the ministry's record of agents' outstanding licence stickers is inaccurate and incomplete. Maybe the minister could report on that.

The third is the financial reconciliation between manually accepted fees reported by issuing agents. The underlying applications were completed for only a few of these transactions. There was no assurance the issuing agents had reported and deposited the correct licence fee amounts. The auditor is saying that maybe there is inaccurate reporting between the collection and the reporting of fees.

Those are the comments I would like to make at this time.

**Mr. Philip:** Mr. Speaker, I am going to keep my remarks brief because I know the Ombudsman's concurrences follow and I have some things I am particularly concerned about with that office. Perhaps I have more objections to those operations than the operations of the Ministry of Transportation and Communications, which seems to have sorted out some of the earlier problems that were taking place with deregulation and other problems.

I share the concern of the previous speaker about the length of time it seems to take to process applications for licences. I have had constituents come to me who have mailed in an application for their licence and who six weeks later suddenly find they are driving without a licence. I recognize they can go to the nearest office and get an extension when that happens, but to law-abiding citizens who are conscientious that poses a problem.

The other problem currently in the news is the whole problem of drunk driving. Some time ago the Minister of Transportation and Communications brought in an act to require pictures on drivers' licences. A great number of

people who are in alcohol-related accidents have already had their licences suspended but they go out and borrow somebody else's licence. When are the pictures going to be on the licences? This would help to curtail that.

I would like to say a couple of things about the problem of deregulation. I met with several US congressmen in Washington recently. The trucking industry is a major one in my riding and in the surrounding ridings. As a matter of fact, the Ontario Trucking Association is located just barely within the boundaries of my riding on Dixon Road.

I simply want to put on the record that this ideological, irrational, right-wing deregulation binge in the United States is the biggest economic stupidity and nonsense I have ever seen. It is causing problems in the US but it is also causing problems for us. The problem for us, as our people at the embassy pointed out, is that for some reason or other the Americans cannot understand that while the Interstate Commerce Commission over the years has been fairly slow at letting Canadian carriers compete in the US, suddenly with this ideological, right-wing Republicanism that has infested trucking regulations and all transportation regulations, we have a situation where they are saying: "We should be able to run into Canada. We are deregulated. Why can you not compete the same way as we have?"

That is a problem the minister has to take on in very direct terms. He must make these people understand they are not going to tell us how to run our transportation industry in this country. They can come in only under the regulated system we have accepted.

When one talks to some of these congressmen they seem to have this blind faith that deregulation increases competition and competition therefore increases all the other economic benefits. However, research shows that in an essential industry such as transportation it has had the reverse effect. It leads to monopoly, safety problems and bankruptcies.

Unfortunately, the minister was not at a session of the Ontario Trucking Association convention when a very interesting speech was made. I know he was at other sessions that I missed, so we are even, I guess. There was a particularly interesting speech made by a fellow named Nelson Cooney, who is a transportation lawyer from the United States. He talked about the experience of the US with deregulation.

12:50 p.m.

First of all, in 1978 there was the law calling for deregulation of the airline industry. Then in 1980 we had the US Motor Carrier Act. Now the Interstate Commerce Commission has virtually an open-door policy for entry.

We can see the results of deregulation in the US. First of all, there has been increased competition from 9,000 more companies. But what is the result of that? They have had 305 carriers who were serving an essential need go bankrupt. They have had poor financial results. Forty per cent of all recognized carriers in the United States had losses in 1982.

There has been a concentration within the market share, with the largest carriers going after the full truckloads; undercutting the market, cutting the smaller guys out. Unionized workers have been devastated. One third of unionized workers have lost their jobs in the trucking industry in the US. The large shippers are now limiting the number of carriers they use and concentrating their businesses with only some of the larger carriers.

In short, with deregulation of the airline and trucking industries in the US there has been a higher concentration and a monopoly. In the long run, deregulation actually leads to less competition and greater monopoly and less free enterprise, if one wants to use that expression.

There is an interesting paper on this very subject by Steven Dempsey. I will not go through all of it. He talks about the benefits of regulation, but there is an interesting section on declining safety. He says Professor Frederick Tyler of the University of Pittsburgh reminds us that safety always suffers when the airlines are largely unregulated. Indeed, he notes that deregulation "threatens to give us the worst of all worlds, a combination of many exorbitant fares to cover the empty seats and a decline in safety."

When we look at what happened in the deregulation of the airline industry in the US and what is happening in the deregulation of the trucking industry, what we find is for a short period of time the gravity routes decreased in price. The gravity routes in trucking could be considered to be those that have full truckloads rather than partial truckloads or less than truckloads. But, as was found in the Australian experience when they deregulated, what they end up with is a few large carriers gradually managing to put the others out of business and there is a monopoly. Most important, the costs go up on those routes that have been less profitable and that have been cross-subsidized through the regulatory system.

What I find worrisome about the deregulation system is that invariably what happens is that people start crying for adequate transportation and the government goes in and nationalizes or picks up all the losers. I say that is the worst of all worlds. There is increased monopoly with deregulation, there is increased bankruptcy, and then the government responds to the crisis by taking over all the losing companies and the taxpayers pay for it.

I hope the minister will address himself to that. At one time the minister was a deregulationist, until we scuttled his bill on deregulation during minority government; we said we would actually vote it down if he did not withdraw it. I am glad to see his colleagues in cabinet, or maybe the trucking industry or the overwhelming evidence against deregulation have convinced him otherwise. He is co-operating with a very important industry that is not making large, exorbitant profits and that is being squeezed, particularly by the American deregulationists at the moment. He might want to address himself to that or, if time does not permit, simply write me a letter on the subject.

**Hon. Mr. Snow:** Mr. Speaker, I would like to thank the honourable members who have taken part in the concurrence of our estimates. I think we had a very productive estimates period this year. We spent 15 hours in committee and a great many members participated. We tried to answer in detail all their comments and provide the information they asked for.

I certainly will take the comments and the recommendations that have been made here in the concurrence into consideration. I do not believe I have the time today to respond in detail to all of the comments that were made. There are just a couple I would like to mention.

Mention has been made of the photos on the drivers' licences. Certainly it is my intention to proceed with that as soon as possible. As members know, I brought in legislation to do that about four or five years ago, but unfortunately because of budget constraints we have not been able to proceed with it. That is one of my highest priorities in the coming year. I hope we are able to do that within our budget because it is certainly the next highest priority as one of our safety initiatives.

So far as the other items are concerned, I made notes on all of them and we will have Hansard, of course. I thank the honourable members for their suggestions.

Resolution concurred in.

CONCURRENCE IN SUPPLY,  
OFFICE OF THE OMBUDSMAN

**Mr. Philip:** Mr. Speaker, I see that we have only four minutes, but I simply want to put on the record a few of my concerns about the Ombudsman and I hope the acting or interim Ombudsman will answer these questions.

First, I find it preposterous that it has taken a year and a half to fill a position that offers a salary of \$87,000 per year plus benefits, a position that has the highest prestige, that of a Supreme Court judge equivalent. Yet this government cannot find a suitable Ombudsman to put in this important position.

It has created tremendous anxieties and tremendous morale problems in that office. It has created problems for the Ombudsman's committee, of which I am a member, as we are always dealing with somebody who is a lame-duck Ombudsman, so to speak.

I must say I would not view any further delay with any kind of pleasure when I have an acting Ombudsman who in his estimates, on page 1145 of the Instant Hansard of November 2, 1983, says, "Where we might get into the problem," when we are talking about the differences in pay within his own office, "is if, in fact, they put the legislation through with equal work, equal pay, etc."

When we have an acting Ombudsman who does not even understand that is already the legislation, that there is legislation that says women have to be paid equally to men if they are doing the same job, who does not even understand the legislation, then one has to wonder whether we want to have that fellow around for very much longer.

One wonders if he says that will cause problems in his own office, where he would stand on the larger concept to which we in the NDP are so firmly committed, that of equal pay for work of equal value. Certainly that poses a problem.

I also have a problem with Mr. McArdle's answer to a question that was asked in which he says, "There is very little difference between" the salaries "of the investigative staff." I understand, and I would like Mr. McArdle to send me a written reply to this, that there are differences as high as \$10,000 between different investigators. I want that question answered and I expect a reply within a week, before the House adjourns, on this issue.

We were in British Columbia and we saw—even though that Legislature is a lot more polarized, there are a lot more disagreements and they are more hateful to one another than anything we have seen around here, with maybe one or two exceptions on certain days—where there is a whole consulting process whereby the opposition and the government have to come to a consensus on the Ombudsman. Yet here, not even the chairman of the committee has been asked for his opinion and he is a Conservative.

The process in British Columbia worked. I think it is fair to say the Ombudsman in British Columbia is recognized as the world's leading Ombudsman. The choice was made in a nonpartisan way; the government went through a list of hundreds of applicants then made a short list of 10. The committee, which consisted of members from both political parties, then had to come to a consensus as to the best of the 10 short-listed by the government.

I suggest to the minister that should have been done here. It would be irresponsible if the government did not name an Ombudsman before the House adjourns, which would mean, therefore, we could not deal with him until March of next year. Even though the current acting Ombudsman happens to be a very friendly and nice fellow, I suggest it is not good enough to extend his tenure any further.

Resolution concurred in.

The House adjourned at 1:01 p.m.



## APPENDIX A

ANSWERS TO QUESTIONS IN  
ORDERS AND NOTICES

## CENTRES OF APPLIED TECHNOLOGY

**336. Mr. Foulds:** What was the cost of the publication of each of the annual reports for each of the Ontario technology centres? How many copies of each report were published? What was the distribution list of the reports? Who designed, published and printed the reports? How many contracts were tendered for the design, printing and publication of the reports? How many fulland part-time, direct or indirect jobs were created by the publication of the reports? [Tabled October 28, 1983]

**Hon. F. S. Miller:** The information requested for the annual reports published by each of the Ontario technology centres is as follows:

Automotive parts: Cost \$22,000 for 3,500 copies. Submissions received from seven firms. Contract awarded to Free Vision (St. Catharines). Distribution included 500 copies to the Ministry of Industry and Trade, 1,000 to CEO of automotive parts manufacturers, 125 to technology centres, remainder being utilized as part of marketing campaign.

Microelectronics: Cost \$5,600 for 1,000 copies. Submissions from four design firms and six printers. Contract awarded to Dolco Printers (Ottawa) and Acart Graphic Services (Ottawa). Distribution included 500 copies to Ministry of Industry and Trade, 125 to technology centres, balance to clients.

Advanced manufacturing: Annual report includes report for both CAD/CAM and robotics divisions. Cost \$23,000 for 2,500 copies. Creative contract awarded to R. T. Kelley Ltd. (Hamilton). Submissions received from four firms. Printing contract awarded to Maxwell Litho (Peterborough). Distribution included 500 copies to Ministry of Industry and Trade, 1,000 have been distributed to clients, balance being utilized as part of ongoing marketing campaign.

Farm equipment and food processing: Cost \$17,000 for 3,500 copies. Submissions from five firms. Contract awarded to Free Vision (St. Catharines). Distribution included 500 copies to Ministry of Industry and Trade, 150 to technology centres, 500 to equipment manufacturers and food processors, remainder being utilized as part of ongoing marketing campaign.

Resource machinery: Cost \$8,700 for 2,500 copies (English) and 500 copies (French). Sub-

missions from two firms. Contract awarded to ACME Printers (Sudbury). Distribution included 500 copies to Ministry of Industry and Trade, 1,500 distributed to business community, 125 to technology centres, balance distributed to clients.

All contracts for the publication of the annual reports for the technology centres were carried out in accordance with the bylaws of the centres. The awarding of contracts locally was of benefit to local firms and their employees.

## USE OF GOVERNMENT AUTOMOBILES

**339. Mr. Foulds:** Do parliamentary assistants have access to government-owned chauffeur-driven limousines? On what basis and conditions? How many direct and indirect jobs are created or lost by this policy? [Tabled October 31, 1983]

**Hon. Mr. Snow:** Parliamentary assistants do have access to government-owned automobiles. These are supplied by the Ministry of Transportation and Communications garage on request and are subject to a chargeback to the particular ministry. It is estimated that one driver position can be attributed to providing this service to the parliamentary assistants in this manner.

## SALES TAX EXEMPTION

**340. Mr. Foulds:** How many full-time and part-time, direct and indirect jobs have been created by the removal of the retail sales tax on the Canadian Maple Leaf gold coins in the Treasurer's budget, May 10, 1983? What is the estimated loss of revenue for the fiscal year 1983-84 by the removal of the retail sales tax on the Canadian Maple Leaf gold coin? [Tabled October 31, 1983]

**Hon. Mr. Grossman:** The revenue loss resulting from the retail sales tax exemption for the Canadian Maple Leaf gold coin is estimated to be \$300,000 for the 1983-84 fiscal year.

The gold producing sector of the metallic mining industry in Ontario accounts for over 13 per cent of total employment in the industry or some 3,400 jobs.

The Royal Canadian Mint utilizes almost 50 per cent of Ontario's total annual gold production in minting the gold maple leaf.

Data supplied by the mint indicate that Ontario sales have tripled since the elimination of the retail sales tax on the maple leaf.

The tax exemption for the Canadian Maple Leaf gold coin is contributing to this strong sales performance.

**345. Mr. Foulds:** Would the minister indicate

the estimated loss of revenue for the fiscal year 1983-84 caused by the withdrawal of the seven per cent tax on transportation vehicles and equipment with a gross vehicle mass rating of 11,778 kilograms or more in the 1983 provincial budget? Would the minister indicate the number of vehicles purchased in Ontario up to October 3, 1983, as a direct or indirect result of this tax withdrawal? Would the minister estimate the number of direct or indirect full-time or part-time jobs created (a) in Ontario and (b) in Canada as a result of this tax withdrawal? [Tabled November 2, 1983]

**Hon. Mr. Grossman:** The estimated revenue loss for this exemption in this fiscal year is \$15 million.

Information provided by the Motor Vehicle Manufacturers' Association indicates that while sales continue to be lower than they were several years ago, Ontario's share of the Canadian market has increased significantly.

#### Unit Sales of Heavy Trucks

	Ontario	% of Canada
	(#)	(%)
1981	6,472	26.6
1982	4,602	35.7
1983 (9 months est.)	2,000	40.0

Further, the association expects higher unit sales for Ontario in the months to come.

Class 7 and class 8 vehicles are eligible for this exemption. In the first nine months of 1983, Ontario manufactured all the class 7 vehicles and 30 per cent of the class 8 vehicles produced for the Canadian market.

With respect to truck trailers, the Canadian Truck Trailer Manufacturers Association indicates a sharp increase in economic activity for the Ontario market since the introduction of the exemption. In the June to September period (1983) sales in Ontario have increased about 80 per cent compared to a decline of 40 per cent in the rest of Canada.

Ontario has 60 per cent of employment in the sector affected by this tax reduction.

#### THIRD-LANGUAGE SKILLS IN GOVERNMENT

**348. Mr. Grande:** Will the minister responsible table a summary of the third-language skills on Ontario government employees under the heading: (1) ministry; (2) number of full-time employees; (3) number of full-time employees that speak a third language; (4) number of full-time

employees that speak two to five languages other than English and French; (5) position held in the ministry by each of the employees fluent in a third language; (6) total number of third languages spoken in the ministry? Will the minister provide the information for every ministry in government? [Tabled November 2, 1983]

**349. Mr. Grande:** Will the minister responsible table a summary of the third-language skills on Ontario government employees, under the heading: (1) ministry; (2) number of unclassified employees; (3) number of unclassified employees that speak a third language; (4) number of unclassified employees that speak two to five languages other than English and French; (5) position held in the ministry by each of the employees fluent in a third language; (6) total number of third languages spoken in the ministry? Will the minister provide the information for every ministry in government? [Tabled November 2, 1983]

**350. Mr. Grande:** Will the minister responsible table a summary of third-language skills of the 3,900 appointed positions with the 700 agencies, boards and commissions responsible to the Ontario government? Will the minister prepare the information under the following headings: (a) persons who speak a third language; (b) persons who speak two to five languages other than English and French, and (c) position held? [Tabled November 2, 1983]

**Hon. Mr. McCague:** The decision to convey the number of languages spoken by public servants is a subjective one made by the employees themselves in dealing with their employers.

The government of Ontario has an employment policy which states:

"The government of Ontario as an equal opportunity employer:

"Provides equality of opportunity for employment, without discrimination because of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, age (14 to 65), record of offences, marital status, family status, or handicap, consistent with the candidate's ability to do the job; and

"Does not tolerate acts of discrimination in the selection process."

#### SIZE AND MAKEUP OF GOVERNMENT STAFF

**351. Mr. Grande:** Will the minister responsible table the following information on Ontario government employees: (1) ministry; (2) number of classified employees; (3) number of classified

employees who are of visible minority origin; (4) position held in the ministry by each of the employees who are of visible minority origin, and (5) will the minister provide the information for every ministry in government? [Tabled November 2, 1983]

**352. Mr. Grande:** Will the minister responsible table the following information on Ontario government part-time and contract employees (unclassified): (1) ministry; (2) number of unclassified employees; (3) number of unclassified employees of visible minority origin; (4) position held in ministry by each unclassified employee of visible minority origin, and (5) will the minister provide the information for every ministry in government? [Tabled November 2, 1983]

**353. Mr. Grande:** Will the minister responsible table the following information on the 3,900 appointed positions with the 700 agencies, boards and commissions responsible to the Ontario government? Will the minister prepare the data under the following headings: (1) name of agency, board or commission; (2) number of appointed positions for each agency, board and commission; (3) number of appointed positions for each agency, board and commission who are of visible minority origin, and (4) position held by the appointed persons for each agency, board and commission, who are of visible minority origin? [Tabled November 2, 1983]

**Hon. Mr. McCague:** The honourable member is encouraged to refer to the annual report of the Civil Service Commission and table C 11 of the 1983 Ontario budget for information regarding the numbers of persons employed by the government of Ontario. In the case of question 353, any attempt to provide the answer to parts (1) and (2) thereof would entail the diversion of considerable resources and effort from present assignments.

The government does not classify potential employees according to racial origin as suggested by the querier's use of the phrase "visible minority origin." The only consideration taken into account in the hiring process within the government of Ontario is whether a potential employee is capable of executing the responsibilities of the position in question.

The government of Ontario has an employment policy which states:

"The government of Ontario as an equal opportunity employer:

"Provides equality of opportunity for employment, without discrimination because of race, ancestry, place of origin, colour, ethnic origin,

citizenship, creed, sex, age (14 to 65), record of offences, marital status, family status, or handicap, consistent with the candidate's ability to do the job; and

"Does not tolerate acts of discrimination in the selection process."

## REMEMBRANCE DAY

**355. Mr. Foulds:** Would the minister indicate how many boards of education have declared November 11, 1983, as a professional development day this year? Is this contrary to the minister's new policy regarding November 11? [Tabled November 8, 1983]

**Hon. Miss Stephenson:** In addition to the response to question 355, order paper 66, we have just been given the following additional information which should be added to the response published November 25, 1983:

In addition, several semestered secondary schools within a school jurisdiction in northwestern Ontario scheduled examinations during the week of November 7 to 11, 1983, and declared November 11 as an examination day. In each instance it has been reported that a commemorative program was held earlier in the week.

This use of November 11 appears to be contrary to the intent of the regulation, and staff of the northwestern Ontario regional office will raise this issue with the director of the board involved.

## JOB CREATION

**356. Mr. Foulds:** Will the minister estimate the number of jobs created by the amendments made to the Small Business Development Corporations Act and regulations proposed in the budget of May 10, 1983? [Tabled November 9, 1983]

**Hon. Mr. Grossman:** As of October 31, 1983, \$189.4 million has been invested in 392 SBDCs in Ontario. Of this total, \$40 million has been invested in the current fiscal year.

These SBDCs, in turn, have invested \$181.4 million in 406 small businesses, with \$41.1 million invested in 92 small businesses in the current fiscal year.

The specific employment impact of the 1983 amendments has not been determined.

## AGRI-FOOD WEEK

**357. Mr. Riddell:** Would the minister of Agriculture and Food provide the following information: (1) the total cost of Agri-Food Week (beginning October 3, 1983), and (2) a detailed breakdown of this cost into all categories in



which the costs were incurred, including advertising and promotion, events, lapel pins and all other items? [Tabled November 9, 1983]

**Hon. Mr. Timbrell:** Agri-Food Week 1983, breakdown of expenditures:

Promotional items: 5,000 buttons, \$920.55; 5,000 posters, \$151.62; 50,000 lapel pins, \$12,750; 10,000 fact sheets, \$717.27; design and artwork, \$373.22; total, \$14,912.66.

Advertising campaign: print ad in Toronto Star, \$4,452; radio ad on CFRB, \$2,740; total, \$7,192.

Celebrity cook-off and exhibit in Toronto Eaton Centre: display setup, \$1,400; prize for winning chef (to be donated to charity), \$500; rental of refrigerator and microwave, \$117.70; total, \$2,017.70.

Total expenditures: \$24,122.36.

#### MENTAL HEALTH ADVERTISING

**359. Ms. Coppins:** What was the cost of all newspaper advertising regarding the "People won't give my dad a chance" series? How much was paid by the Ministry of Health? How many people responded by sending in the newspaper clippings to the Canadian Mental Health Association? [Tabled November 17, 1983]

**Hon. Mr. Wells:** The Canadian Mental Health Association informs us that the cost of newspaper advertising was, in October 1983, \$53,000, and in November 1983, \$53,000.

The costs are paid for from a grant which the ministry is providing as part of its share of a joint program to increase public support for programs to assist the mentally ill.

The Canadian Mental Health Association has informed the ministry that it has received 300 coupons and several positive written responses to the advertisement.

#### RESPONSE TO PETITION

##### CLOSING OF BROADWAY AVENUE

Sessional paper 205, re closing of Broadway Avenue, West Windsor:

**Hon. Mr. Snow:** Some years ago, an agreement was reached between the city of Windsor and the Ministry of Transportation and Communications that the closing of Broadway Avenue at Highway 18 (Ojibway Parkway) was required for the safe operation of traffic on E.C. Row Expressway-Highway 18 intersection.

E.C. Row Expressway is being constructed under a cost-sharing agreement between the ministry and the city at a 75:25 rate. To offset the effects of this closing of Broadway, Linsell Avenue was constructed at this 75:25 rate to provide alternative, equivalent access to the area previously served by Broadway Avenue.

Now that E.C. Row Expressway is open to traffic at this location and that Linsell Avenue has been constructed as agreed, it is considered appropriate to carry out the terms of the original agreement with the city respecting Broadway Avenue closure. It is further considered that it would be much more difficult to bring about this closure after the present and possible new residents and industries in the areas have had the use of both Broadway and Linsell for a number of years.

The ministry, through its London regional office, has, on October 28, 1983, corresponded with the city of Windsor and suggested two alternative solutions in the event that the city does not wish to close Broadway Avenue on the west side of Highway 18, and is at present awaiting a reply.

When a reply is received, it is expected that, with further discussion, a mutual agreement will be achieved between the city and the ministry.

**APPENDIX B**  
**ALPHABETICAL LIST OF MEMBERS\***  
 (124 members)

Third Session of the 32nd Parliament

**Lieutenant Governor:** Hon. J. B. Aird, OC, QC

**Speaker:** Hon. John M. Turner

**Clerk of the House:** Roderick Lewis, QC

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| <p>Allen, R. (Hamilton West NDP)</p> <p><b>Andrewes, Hon. P. W.</b>, Minister of Energy (Lincoln PC)</p> <p><b>Ashe, Hon. G. L.</b>, Minister of Government Services (Durham West PC)</p> <p><b>Baetz, Hon. R. C.</b>, Minister of Tourism and Recreation (Ottawa West PC)</p> <p>Barlow, W. W. (Cambridge PC)</p> <p><b>Bennett, Hon. C. F.</b>, Minister of Municipal Affairs and Housing (Ottawa South PC)</p> <p><b>Bernier, Hon. L.</b>, Minister of Northern Affairs (Kenora PC)</p> <p>Birch, M., (Scarborough East PC)</p> <p>Boudria, D. (Prescott-Russell L)</p> <p>Bradley, J. J. (St. Catharines L)</p> <p><b>Brandt, Hon. A. S.</b>, Minister of the Environment (Sarnia PC)</p> <p>Breaugh, M. J. (Oshawa NDP)</p> <p>Breithaupt, J. R. (Kitchener L)</p> <p>Bryden, M. H. (Beaches-Woodbine NDP)</p> <p>Cassidy, M. (Ottawa Centre NDP)</p> <p>Charlton, B. A. (Hamilton Mountain NDP)</p> <p>Conway, S. G. (Renfrew North L)</p> <p>Cooke, D. S. (Windsor-Riverside NDP)</p> <p>Copps, S. M. (Hamilton Centre L)</p> <p>Cousens, D., Deputy Chairman of Committees of the Whole House (York Centre PC)</p> <p>Cunningham, E. G. (Wentworth North L)</p> <p>Cureatz, S. L., (Durham East PC)</p> <p><b>Davis, Hon. W. G.</b>, Premier (Brampton PC)</p> <p><b>Dean, Hon. G. H.</b>, Minister without Portfolio (Wentworth PC)</p> <p>Di Santo, O. (Downsview NDP)</p> <p><b>Drea, Hon. F.</b>, Minister of Community and Social Services (Scarborough Centre PC)</p> <p>Eakins, J. F. (Victoria-Haliburton L)</p> <p><b>Eaton, Hon. R. G.</b>, Minister without Portfolio (Middlesex PC)</p> <p>Edighoffer, H. A. (Perth L)</p> <p><b>Elgie, Hon. R. G.</b>, Minister of Consumer and Commercial Relations (York East PC)</p> <p>Elston, M. J. (Huron-Bruce L)</p> <p>Epp, H. A. (Waterloo North L)</p> <p>Eves, E. L. (Parry Sound PC)</p> <p><b>Fish, Hon. S. A.</b>, Minister of Citizenship and Culture (St. George PC)</p> | <p>Foulds, J. F. (Port Arthur NDP)</p> <p>Gillies, P. A. (Brantford PC)</p> <p>Gordon, J. K. (Sudbury PC)</p> <p>Grande, T. (Oakwood NDP)</p> <p><b>Gregory, Hon. M. E. C.</b>, Minister of Revenue (Mississauga East PC)</p> <p><b>Grossman, Hon. L. S.</b>, Treasurer of Ontario and Minister of Economics (St. Andrew-St. Patrick PC)</p> <p>Haggerty, R. (Erie L)</p> <p>Harris, M. D. (Nipissing PC)</p> <p>Havrot, E. M. (Timiskaming PC)</p> <p>Henderson, L. C., (Lambton PC)</p> <p>Hennessy, M. (Fort William PC)</p> <p>Hodgson, W. (York North PC)</p> <p>Johnson, J. M. (Wellington-Dufferin-Peel PC)</p> <p>Johnston, R. F. (Scarborough West NDP)</p> <p>Jones, T., Deputy Speaker and Chairman of the Committees of the Whole House (Mississauga North PC)</p> <p>Kells, M. C. (Humber PC)</p> <p>Kennedy, R. D. (Mississauga South PC)</p> <p>Kerr, G. A. (Burlington South PC)</p> <p>Kerrio, V. G. (Niagara Falls L)</p> <p>Kolyn, A. (Lakeshore PC)</p> <p>Lane, J. G. (Algoma-Manitoulin PC)</p> <p>Laughren, F. (Nickel Belt NDP)</p> <p><b>Leluk, Hon. N. G.</b>, Minister of Correctional Services (York West PC)</p> <p>Lupusella, A. (Dovercourt NDP)</p> <p>Mackenzie, R. W. (Hamilton East NDP)</p> <p>MacQuarrie, R. W. (Carleton East PC)</p> <p>Mancini, R. (Essex South L)</p> <p>Martel, E. W. (Sudbury East NDP)</p> <p><b>McCaffrey, Hon. R. B.</b>, Provincial Secretary for Social Development (Armourdale PC)</p> <p><b>McCague, Hon. G. R.</b>, Chairman, Management Board of Cabinet (Dufferin-Simcoe PC)</p> <p>McClellan, R. A. (Bellwoods NDP)</p> <p>McEwen, J. E. (Frontenac-Addington L)</p> <p>McGuigan, J. F. (Kent-Elgin L)</p> <p>McKessock, R. (Grey L)</p> <p>McLean, A. K. (Simcoe East PC)</p> <p><b>McMurtry, Hon. R. R.</b>, Attorney General (Eglinton PC)</p> <p>McNeil, R. K. (Elgin PC)</p> |
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**Miller, Hon. F. S.**, Minister of Industry and Trade (Muskoka PC)

Miller, G. I. (Haldimand-Norfolk L)

Mitchell, R. C. (Carleton PC)

Newman, B. (Windsor-Walkerville L)

Nixon, R. F. (Brant-Oxford-Norfolk L)

**Norton, Hon. K. C.**, Minister of Health (Kingston and the Islands PC)

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Peterson, D. R. (London Centre L)

Philip, E. T. (Etobicoke NDP)

Piché, R. L. (Cochrane North PC)

Pollock, J. (Hastings-Peterborough PC)

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Rae, R. K. (York South)

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Reid, T. P. (Rainy River L-Lab.)

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Shymko, Y. R. (High Park-Swansea PC)

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Stokes, J. E. (Lake Nipigon NDP)

Swart, M. L. (Welland-Thorold NDP)

Sweeney, J. (Kitchener-Wilmot L)

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Taylor, J. A. (Prince Edward-Lennox PC)

**Timbrell, Hon. D. R.**, Minister of Agriculture and Food (Don Mills PC)

Treleaven, R. L. (Oxford PC)

**Turner, Hon. J. M.**, Speaker (Peterborough PC)

Van Horne, R. G. (London North L)

**Walker, Hon. G. W.**, Provincial Secretary for Justice (London South PC)

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**Wells, Hon. T. L.**, Minister of Intergovernmental Affairs (Scarborough North PC)

Wildman, B. (Algoma NDP)

Williams, J. R. (Orisle PC)

Wiseman, D. J., (Lanark PC)

Worton, H. (Wellington South L)

Wrye, W. M. (Windsor-Sandwich L)

Yakabuski, P. J. (Renfrew South PC)

## MEMBERS OF THE EXECUTIVE COUNCIL

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Wells, Hon. T. L., Minister of Intergovernmental Affairs

Bernier, Hon. L., Minister of Northern Affairs

Snow, Hon. J. W., Minister of Transportation and Communications

Bennett, Hon. C. F., Minister of Municipal Affairs and Housing

Miller, Hon. F. S., Minister of Industry and Trade

Timbrell, Hon. D. R., Minister of Agriculture and Food

Stephenson, Hon. B. M., Minister of Education and Minister of Colleges and Universities

McMurtry, Hon. R. R., Attorney General

Norton, Hon. K. C., Minister of Health

Drea, Hon. F., Minister of Community and Social Services

Grossman, Hon. L., Treasurer of Ontario and Minister of Economics

McCague, Hon. G., Chairman of Management Board of Cabinet and Chairman of Cabinet

Baetz, Hon. R. C., Minister of Tourism and Recreation

Elgie, Hon. R. G., Minister of Consumer and Commercial Relations

Walker, Hon. G. W., Provincial Secretary for Justice

Gregory, Hon. M. E. C., Minister of Revenue  
Pope, Hon. A. W., Minister of Natural Resources

Leluk, Hon. N. G., Minister of Correctional Services

Ashe, Hon. G. L., Minister of Government Services

Ramsay, Hon. R. H., Minister of Labour

McCaffrey, Hon. R. B., Provincial Secretary for Social Development



Sterling, Hon. N. W., Provincial Secretary for Resources Development  
 Taylor, Hon. G. W., Solicitor General  
 Eaton, Hon. R. G., Minister without Portfolio  
 Andrewes, Hon. P. W., Minister of Energy  
 Brandt, Hon. A. S., Minister of the Environment  
 Dean, Hon. G. H., Minister without Portfolio  
 Fish, Hon. S. A., Minister of Citizenship and Culture

### PARLIAMENTARY ASSISTANTS

Birch, M. (Scarborough East), assistant to the Premier  
 Cureatz, S. L. (Durham East), assistant to the Solicitor General  
 Eves, E. L. (Parry Sound), assistant to the Minister of Education and the Minister of Colleges and Universities  
 Gillies, P. A. (Brantford), assistant to the Minister of Labour  
 Gordon, J. K. (Sudbury), assistant to the Minister of Community and Social Services  
 Harris, M. D. (Nipissing), assistant to the Minister of the Environment  
 Hennessy, M. (Fort William), assistant to the Minister of Northern Affairs  
 Hodgson, W. (York North), assistant to the Minister of Government Services  
 Kells, M. C. (Humber), assistant to the Minister of Transportation and Communications  
 Kennedy, R. D. (Mississauga South), assistant to the Minister of Intergovernmental Affairs  
 Lane, J. G. (Algoma-Manitoulin), assistant to the Minister of Tourism and Recreation  
 MacQuarrie, R. W. (Carleton East), assistant to the Attorney General  
 McNeil, R. K. (Elgin), assistant to the Minister of Agriculture and Food  
 Mitchell, R. C. (Carleton), assistant to the Minister of Health  
 Piché, R. L. (Cochrane North), assistant to the Minister of Revenue  
 Robinson, A. M. (Scarborough-Ellesmere), assistant to the Minister of Citizenship and Culture  
 Rotenberg, D. (Wilson Heights), assistant to the Minister of Municipal Affairs and Housing  
 Shymko, Y. R. (High Park-Swansea), assistant to the Provincial Secretary for Social Development  
 Stevenson, K. R. (Durham-York), assistant to the Treasurer of Ontario and Minister of Economics  
 Taylor, J. A. (Prince Edward-Lennox), assistant to the Minister of Industry and Trade  
 Watson, A. N. (Chatham-Kent), assistant to the Minister of Energy

Williams, J. R. (Oriole), assistant to the Minister of Consumer and Commercial Relations  
 Yakabuski, P. J. (Renfrew South), assistant to the Minister of Natural Resources

### STANDING COMMITTEES

Administration of justice: chairman, Mr. Kolyn; vice-chairman, Mr. Mitchell; members, Messrs. Breithaupt, Elston, Eves, Gillies, MacQuarrie, Renwick, Spensieri, Stevenson, Swart and J. A. Taylor; clerk, D. Arnott.

General government: chairman, Mr. McLean; vice-chairman, Mr. Harris; members, Messrs. Cooke, Eakins, Gordon, Haggerty, Henderson, Hennessy, Kennedy, McKessock, Samis and Sheppard; clerk, F. Carrozza.

Resources development: chairman, Mr. Barlow; vice-chairman, Mr. Williams; members, Messrs. Lane, Laughren, McLean, Piché, J. A. Reed, Riddell, Stokes, Sweeney, Watson and Wiseman; clerk, A. Richardson.

Social development: chairman, Mr. Robinson; vice-chairman, Mr. Sheppard; members, Mr. Allen, Mrs. Birch, Ms. Copps, Messrs. R. F. Johnston, Kells, McGuigan, McNeil, Pollock, Shymko and Wrye; clerk, L. Mellor.

Members' services: chairman, Mr. J. M. Johnson; vice-chairman, Mr. Havrot; members, Messrs. Boudria, Charlton, Grande, Hodgson, G. I. Miller, Rotenberg, Runciman, Ruprecht, Shymko and Yakabuski; clerk, G. White.

Procedural affairs: chairman, Mr. Treleaven; vice-chairman, Mr. Watson; members, Messrs. Breaugh, Cassidy, Cureatz, Edighoffer, Epp, J. M. Johnson, Mancini, McNeil, Rotenberg and Runciman; clerk, S. Forsyth.

Public accounts: chairman, Mr. T. P. Reid; vice-chairman, Mr. Harris; members, Messrs. Bradley, Cunningham, Kennedy, Kolyn, Philip, Robinson, Sargent, Mrs. Scrivener, Messrs. Wildman and Yakabuski; clerk, G. White.

Regulations and other statutory instruments: chairman, Mr. Kerr; vice-chairman, Mr. Hodgson; members, Ms. Bryden, Messrs. Cousens, Di Santo, Hennessy, Kerrio, McEwen, Piché, Pollock, Van Horne and Williams; clerk, L. Mellor.

### SELECT COMMITTEE

Ombudsman: chairman, Mr. Runciman; vice-chairman, Mr. Van Horne; members, Messrs. Breithaupt, Di Santo, Eakins, Hennessy, Hodgson, MacQuarrie, Mitchell, Philip, Piché and Shymko; clerk, G. White.

\*The lists in this appendix, brought up to date as necessary, are published in Hansard on the first Friday of each month and in the first and last issues of each session.

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Boudria, D. (Prescott-Russell L)  
Breagh, M. J. (Oshawa NDP)  
Conway, S. G. (Renfrew North L)  
Cooke, D. S. (Windsor-Riverside NDP)  
Copp, S. M. (Hamilton Centre L)  
Cousens, D., Deputy Chairman and Acting Speaker (York Centre PC)  
Cunningham, E. G. (Wentworth North L)  
Davis, Hon. W. G., Premier (Brampton PC)  
Drea, Hon. F., Minister of Community and Social Services (Scarborough Centre PC)  
Foulds, J. F. (Port Arthur NDP)  
Gregory, Hon. M. E. C., Minister of Revenue (Mississauga East PC)  
Johnston, R. F. (Scarborough West NDP)  
Jones, T., Deputy Speaker and Chairman (Mississauga North PC)  
Laughren, F. (Nickel Belt NDP)  
Martel, E. W. (Sudbury East NDP)  
McClellan, R. A. (Bellwoods NDP)  
McMurtry, Hon. R. R., Attorney General (Eglinton PC)  
Miller, G. I. (Haldimand-Norfolk L)  
Nixon, R. F. (Brant-Oxford-Norfolk L)  
Peterson, D. R. (London Centre L)  
Philip, E. T. (Etobicoke NDP)  
Ramsay, Hon. R. H., Minister of Labour (Sault Ste. Marie PC)  
Reed, J. A. (Halton-Burlington L)  
Reid, T. P. (Rainy River L-Lab.)  
Riddell, J. K. (Huron-Middlesex L)  
Rotenberg, D., Acting Chairman (Wilson Heights PC)  
Snow, Hon. J. W., Minister of Transportation and Communications (Oakville PC)  
Stephenson, Hon. B. M., Minister of Education and Minister of Colleges and Universities (York Mills PC)  
Swart, M. L. (Welland-Thorold NDP)  
Taylor, Hon. G. W., Solicitor General (Simcoe Centre PC)  
Timbrell, Hon. D. R., Minister of Agriculture and Food (Don Mills PC)  
Wells, Hon. T. L., Minister of Intergovernmental Affairs (Scarborough North PC)  
Williams, J. R. (Oriole PC)



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# Hansard

## Official Report of Debates

### Legislative Assembly of Ontario

**Third Session, 32nd Parliament**

Monday, December 5, 1983

Afternoon Sitting

Speaker: Honourable John M. Turner

Clerk: Roderick Lewis, QC

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# LEGISLATIVE ASSEMBLY OF ONTARIO

**Monday, December 5, 1983**

The House met at 2 p.m.

Prayers.

## MINISTER'S RETURN TO HOUSE

**Hon. Mr. Wells:** Mr. Speaker, just before the business of the day: as has already been noted, it is, I am sure, a pleasure for all of us to see the Minister of Health (Mr. Norton) back.

**Hon. Miss Stephenson:** Healthy.

**Hon. Mr. Wells:** He is back healthy, and I am sure he is going to talk to members about nursing homes today.

**Mr. Speaker:** I hope at not too great a length. It is nice to see you back.

**Hon. Mr. Norton:** I have a lot of catching up to do.

**Mr. Speaker:** You have, indeed.

[Later]

**Hon. Mr. Norton:** I am sure it was a relief to have me absent for a while.

Mr. Speaker, at the outset I would like to make it clear there is more substance to my statement than simply to rise and announce that I have returned. However, at the outset I would like to extend my thanks to the honourable members on both sides of the House who during the past two months have expressed to me in various ways their good wishes and encouragement at a time when I can assure them it was both very helpful and appreciated, and also to the House leaders on the opposite side who co-operated with our government House leader (Mr. Wells) in adjusting the time for the estimates of the Ministry of Health, although I might say I would have been quite happy if they had been a little harder nosed about it and our government House leader had carried the estimates.

**Mr. Nixon:** He was hard-nosed.

**Mr. Foulds:** He was chicken; he didn't want to do it.

**Hon. Mr. Norton:** I see. I am sure all members will understand what I mean and the sincerity of it when I extend a very special thanks to my colleague the government House leader who, in addition to his already onerous responsibilities

as House leader and Minister of Intergovernment Affairs assumed the responsibility, as he always does with great competence, and acted as Minister of Health for a period of two months.

**Mr. Conway:** As a former Minister of Health he knew all the inside stories.

**Hon. Mr. Norton:** That is correct. I am sure that earlier experience served him well during the course of this fall.

Finally I would like to thank my parliamentary assistant the member for Carleton (Mr. Mitchell) who, in addition to assuming additional responsibilities within the ministry during this period, also substantially increased his schedule of public commitments in filling in for me in my absence and inability to meet my public commitments during that time.

## VISITOR

**Mr. Speaker:** I would ask the House to join me in greeting Mr. Stephen Terlecky, member for the constituency of Cardiff West in the Parliament at Westminster.

Mr. Terlecky is a delegate to the Ukrainian World Congress being held in Toronto and is a guest of the member for High Park-Swansea (Mr. Shymko). It is interesting to note that Mr. Terlecky is the first Ukrainian-born member ever to be elected to the Parliament at Westminster.

## STATEMENTS BY THE MINISTRY

### HUMAN RIGHTS WEEK

**Hon. Mr. Davis:** Mr. Speaker, in 1962 this province became the first jurisdiction in Canada to consolidate antidiscrimination legislation into a comprehensive human rights code. Since then the Ontario Human Rights Code, changing as it has to meet the needs of the people of the province, has remained in the forefront among actions taken by governments across Canada to promote equal opportunity.

Today marks the first day of Human Rights Week, and on Saturday, December 10, Canada will celebrate the 35th anniversary of the United Nations Universal Declaration of Human Rights, whose principles form an integral part of the preamble of the Ontario Human Rights Code.

When the universal declaration was unanimously proclaimed by the General Assembly in 1948, it was viewed as a first step in the formulation of an international bill of human rights that would have legal as well as moral force. Since then the Universal Declaration of Human Rights has inspired a number of specific international human rights agreements by which Ontario has consented to be bound, thus demonstrating our province's commitment to strengthening support for equality and fairness at home and abroad.

The adoption of the universal declaration on December 10, 1948, was a particularly significant event because for the first time nations of the world spoke with one voice to proclaim the fundamental principles of human rights. Since that date the declaration has served to evidence a commitment to the goal of universal social justice.

In the intervening 35 years the United Nations has sought to realize the principles underlying the universal declaration through the implementation of programs designed to achieve concrete results in the protection of human rights. New initiatives launched this year include the Decade of Disabled Persons, which will involve Canadians in a worldwide program to eradicate the social and physical barriers that limit the full participation of persons with disabilities in the life of the community.

In our commemoration of this anniversary of the proclamation of the universal declaration we take special pride in the fact that a new Human Rights Code for Ontario was proclaimed in June 1982. I believe that the extended grounds and broadened mandate of the code demonstrate Ontario's continuing leadership in the fields of women's rights, race and ethnic relations and the rights of disabled persons.

The past 21 years have seen great strides in the protection of human rights in our province. The many policies and programs that we now take for granted were the result of dedication, diligence and vision on the part of legislators, administrators and concerned members of the community.

It is important to recognize, however, that legislation alone cannot guarantee or safeguard human rights. For this reason this government last year adopted a policy on race relations based on the recommendations of the cabinet committee on race relations. This was the first policy initiative of its kind to be produced by any government in this country, and it has been distributed widely throughout our province to

promote understanding of the fact that racism cannot be tolerated. In addition, this government established the Ontario women's directorate this year to be a focus for the range of government programs designed to promote equality of opportunity in our province.

I know members will agree that although the Ontario Human Rights Commission has a unique role to play in this process, it is imperative that all individuals, all organizations and institutions in our province work together to build a society based on mutual respect and tolerance.

As we celebrate Human Rights Week and the 35th anniversary of the universal declaration, I hope that all of us as members will reaffirm our shared commitment to equality and human dignity, which has always meant so much in our society in this province.

**Mr. Nixon:** Mr. Speaker, I want to speak on behalf of the official opposition on the occasion of the marking of the 35th anniversary of the human rights declaration and to recall to all members of the House that, going back to the time of Mr. Frost and certainly Mr. Robarts, many important steps were taken to establish Ontario in the forefront of the provinces of Canada and, in fact, as a leader in most jurisdictions in the establishment of human rights.

Before we congratulate ourselves too much, however, I think we must realize that a good deal is left to be done. The Premier might even agree with me in looking back over his own political career that there is at least as much prejudice in the community now as there was even a quarter of a century ago. I am not at all sure that our best efforts in education and the best leadership we have been able to provide in the Legislature here in human rights legislation and elsewhere have done as much to change and improve the attitude of the community as we would all have expected and seriously hoped.

Nevertheless, all of us are optimistic in this regard, and I am sure all members of the House can take some credit in the establishment of our legislation and the way it is being administered. We are proud of these accomplishments and we look forward to improving on them in the future.

**2:10 p.m.**

**Mr. Rae:** Mr. Speaker, it is my distinct honour and pleasure on behalf of the New Democratic Party to associate ourselves, as I did last year, with the spirit of the Premier's remarks with respect to this week and this very particular day.

However, we in this party believe there are

some symbolic things that the government could do to make a stronger case for human rights and for international human rights than has been done to this time.

I have often wondered, for example, why the Liquor Control Board of Ontario spends as much time as it does promoting the alcoholic products that come from South Africa. I happen to believe that if Ontario took a strong step in indicating its disapproval of what is going on in South Africa, it would do as much to consolidate and to make people feel that the opposition of this government and of all parties to racism was as strong as is sometimes declared on this particular day.

There are things that need to be done in terms of our labour legislation and our human rights legislation to make opportunity real for a great many older people and a great many young people who continue to suffer, if not active discrimination *de facto* discrimination because equality is still not equal in our province. Equality is still not equal for people of all different racial and ethnic backgrounds, and that is something about which we can never be complacent.

Yes, we can look back and say, "We as a province have accomplished a great deal." But I say to the Premier that we in this party are not satisfied with the progress that has been made. There is much more the government of Ontario can do through its own agencies, and there is much that all of us have to do to make Ontario a truly multiracial, multicultural society which respects people from all backgrounds and all walks of life and which gives all people of this Ontario a place in the sun which they so richly deserve.

#### EMPLOYMENT STANDARDS BILL

**Hon. Mr. Ramsay:** Mr. Speaker, as part of the government's program of initiatives to improve the situation of working women, I would like to announce that later this afternoon I will be introducing for first reading a series of amendments to the Employment Standards Act and regulations which have particular benefit for working women in Ontario.

As honourable members are aware, Ontario has a long and honourable tradition of promoting the rights of working women. We were the first province to enact equal pay legislation. We were the first province to establish a women's bureau. In 1975, the affirmative action consulting service was established and, since then, more than 230 employers have established affir-

mative action strategies involving more than 300,000 women.

As well, the government in its capacity as an employer has pursued an aggressive program of affirmative action within the Ontario public service through the women crown employees' office. These activities are now being co-ordinated by the women's directorate, reporting to the Deputy Premier (Mr. Welch).

There can be no doubt that these initiatives have resulted in significant steps towards the goal of equality for working women. I note that in the Ontario public service, for instance, since 1978 the number of women has increased in 80 per cent of the employment groups in which they were underrepresented. We know, as well, that more women are moving into management, professional and technical jobs, and that the number and proportion of women receiving training in nontraditional occupations are increasing.

In spite of these initiatives, there are still a number of problems facing working women that need to be addressed.

The issue of equal pay has received a great deal of attention over the past few years. The size of the female labour force and female labour force participation rates have increased dramatically, yet a significant wage gap between men and women remains. While much of the gap can be accounted for by nondiscriminatory factors, there appear to be inequities and inequalities in wage and salary practices that are capable of rectification through legislative change.

As members are aware, the Employment Standards Act currently provides for equal pay for substantially the same work. In determining whether the jobs being compared are substantially the same, the legislation requires four factors—skill, effort, responsibility and working conditions—to be separately assessed. Unless all factors are individually comparable, the act does not apply, even though the jobs, overall, may be similar. As a result, the current provision is, in my view, too narrow to cover some valid comparisons.

I will, therefore, be proposing an amendment to provide that the basis for determining equality of work be broadened to allow a composite evaluation of the four existing criteria, while continuing the requirement that the jobs compared be substantially the same. What this will mean, in effect, is that the Employment Standards Act will provide equal pay for work of equal value as between substantially similar jobs.



I believe this is a significant and responsible move to address the wage gap problem. It applies the equal value test to jobs that are capable of meaningful comparison. I intend to continue to monitor the situation following the amendment to assess its effectiveness in addressing the wage gap problem.

Experience has also revealed some technical problems with the present equal pay provisions. For example, the law may be circumvented by hiring a female employee to replace a male employee and paying the female employee a lower rate of pay for the same job. In that situation, since there is no basis for comparison—there being only one occupant in the particular job classification—the existing law does not apply, even though the offence may be obvious.

Equally, the existing provision may be avoided by deliberately restricting jobs to employees of one sex, who are then paid at a lesser rate of pay than when males and females were performing the work. My intention is to amend the act so these practices will be prohibited.

I do not wish to suggest that such practices have been widespread, but the possibility for abuse does exist and the amendments I will be proposing will, I believe, rectify the situation.

As honourable members are aware, there is widespread recognition of the important contributions that women make to the economy as well as to their own family incomes. The Employment Standards Act guarantees 17 weeks' leave for pregnant employees subject to certain qualifying conditions. However, there is nothing explicit in the act to prohibit dismissal or demotion of pregnant employees who have not yet become eligible for pregnancy leave or who have returned from such leave.

Based upon inquiries received by the employment standards branch and the Ontario Human Rights Commission, there are grounds for concern that dismissals or demotions in the pre- or post-pregnancy period may be occurring solely on the basis of the fact of pregnancy. This, of course, is unacceptable and the proposals I will be introducing will permit a complaint to be filed and adjudicated where this allegation is made.

It is my intention as well to deal with several other issues concerning the rights of pregnant workers. These include reducing the qualifying employment period for pregnancy leave entitlement from 63 to 52 weeks; providing that upon returning from pregnancy leave an employee shall be entitled to reinstatement in her former position or in a comparable position without

loss of pay or benefits; providing for the accrual of seniority for all purposes during pregnancy leave; and permitting the employee to shorten her leave and return to work provided she is medically fit and gives sufficient advance notice.

I would now like to refer to the question of adoption by working parents. I have received a number of letters concerning workers who are encountering difficulty in obtaining leaves of absence from their jobs when they elect to adopt a child. Since the period of time at home with the child is a requirement imposed by adoption authorities, such workers are placed in an untenable position. I will, therefore, be bringing forward an amendment to the Employment Standards Act to provide for unpaid adoption leave. In this connection, I might also note that as of January 1, 1984, workers taking leave for purposes of adoption will be eligible for benefits under the Unemployment Insurance Act as is now the case for those on maternity leave.

Finally, I intend to strengthen the protection now afforded to domestic workers. When the employment standards regulation for domestics was introduced in 1981, one of the provisions applying to live-in workers was a duty-free period of 36 consecutive hours each week. This standard was in keeping with the prevailing practice in the community at that time. However, it now appears more common to allow two days' free time per week. Accordingly, the employment standards regulation will be amended to provide additional duty-free time for live-in domestics.

As I mentioned in announcing the planned revisions to the minimum wage a few weeks ago, a review is being conducted of the other provisions of the Employment Standards Act and regulations relating to domestic workers to ensure their adequacy and fairness.

I am confident these various measures together will significantly improve the legal rights of women in the work place.

2:20 p.m.

#### NURSING HOME CARE

**Hon. Mr. Norton:** Mr. Speaker, as members are aware, the Ministry of Health has been involved in a major program to upgrade the quality of the care of patients in our nursing homes through education, encouragement and enforcement.

As members might have suspected, the government House leader indicated to me there

might still be some abiding interest in nursing homes at the time of my return.

The initiative to which I have referred was first announced by my predecessor once removed, the present Minister of Agriculture and Food (Mr. Timbrell), in a speech in February 1981 and has been reiterated in specific ways by the Treasurer (Mr. Grossman) after he succeeded the member for Don Mills in the portfolio.

The Minister of Intergovernmental Affairs (Mr. Wells) has reported to the members from time to time over the past couple of months that the ministry is devoting increased financial and human resources to respond to this priority.

I think it will be more than obvious to everyone that this is a major priority of ours and one which is being supported in a very tangible way by the government as a whole. We are determined to ensure that our nursing homes meet the highest possible standards.

As some members will recall, nursing home care became an insured benefit under the health insurance program in 1972 and the ministry accordingly established an inspection program. At that time there were 22,741 beds licensed in 455 nursing homes across the province. Today there are 29,206 beds licensed in 335 nursing homes. In other words, there are more than 6,000 more beds and 120 fewer homes.

In almost every case, homes closed because they were too small, inefficient or obsolete to meet the ministry's standards which were being enforced with increasing determination. The remaining homes which predate medicare have been brought into compliance with the ministry's fire and safety requirements but they have been allowed to defer correcting some structural and other environmental shortcomings which affected the living standards in the homes. This policy was justified on the grounds that we needed beds and the owners were entitled to some reasonable time to prepare for the financial and other obligations entailed in what would, in many cases, be major reconstruction.

We believe there has now been enough time and have decided as a matter of policy to deal with the deferrals over the next two years. To achieve this, I have directed my staff to review with the individual homes involved and the nursing home industry as a whole the means by which our policy can be implemented and to present us with options which the government can consider before the beginning of the next fiscal year in April 1984.

We can certainly discuss this in greater detail when the social development committee is

considering my estimates over the next fortnight. In the meantime, I have two other specific initiatives to share with the House today.

The first concerns inspection. When we began this thrust three and a half years ago, the then minister, now the Minister of Agriculture and Food, announced a restructuring of our nursing home service as part of the institutional operations branch. When it became clear that the 24 inspectors were not enough to provide the level of inspections we required, my predecessor, now the Treasurer, arranged with our colleague the Minister of Municipal Affairs and Housing (Mr. Bennett) to second seven fire inspectors to help us for a period of one year. As well, we were able to divert some additional staff and technical resources from within the Ministry of Health in spite of the staffing constraints that had been imposed on all of us.

In order to deal with the shortcomings that were previously deferred and to maintain the intensity of our current inspection program, we will need some additional inspection capacity immediately. While an assessment is being made of the specific staffing requirements, I have authorized the immediate recruitment of 10 more inspectors for our nursing home service.

The success of this program will depend on the degree of compliance we receive from the nursing home operators of Ontario, the vast majority of whom are dedicated, compassionate and committed to the welfare of the residents they serve. However, there are some who may be reluctant and who will need to be nudged by prosecution.

To ensure that this happens promptly and thoroughly, I am pleased to report to the House that my colleague the Attorney General (Mr. McMurtry) has seconded Lloyd Budzinski, QC, a senior crown attorney from the central office in Toronto to the Ministry of Health to work full time and exclusively on prosecutions or revocations that are justified by the noncompliance of any nursing home operators.

Members may be aware that there are now four letters of revocation before the Nursing Homes Review Board and 39 charges pending before the courts. I expect that Mr. Budzinski's demonstrated diligence as a prosecutor will stand us in good stead in the months ahead.

As I said earlier, I will be happy to share our plans in greater detail with the members of the social development committee, but I felt that I should use this first opportunity to demonstrate to the House my personal priority and the



determination of the government as a whole to ensure the excellence of care for those who are resident in nursing homes in this province.

## ORAL QUESTIONS

### EQUAL PAY FOR WORK OF EQUAL VALUE

**Mr. Wrye:** Mr. Speaker, my question is to the Minister of Labour and is based on his announcement this afternoon of amendments to the Employment Standards Act. He will be aware that his colleague the Minister responsible for Women's Issues (Mr. Welch) has said that the government is striving to build a society offering, to use the minister's words, "pure, unqualified equal opportunity for women."

Given that this House approved in principle the concept of equal pay for work of equal value earlier this fall, why has the minister specifically rejected this approach in the amendments he has proposed today in favour of the smoke-and-mirrors approach of a composite test?

**Hon. Mr. Ramsay:** Mr. Speaker, I certainly do not agree that it is smoke and mirrors. A lot of careful thought and study was put into this matter before it was introduced today. We think it is a legitimate and practical approach to the work place as we know it today and we feel it will give us an opportunity to monitor the composite test provisions, which are really a form of equal value for similar jobs. Let us take that step before we start to monitor or implement equal value for dissimilar jobs.

**Mr. Wrye:** The minister will be aware that all that has happened is that we are now going to take the four criteria of skill, effort, responsibility and working conditions jointly and evaluate them, but we are going to continue looking at those criteria, and the minister has underlined this in his statement, in "substantially similar jobs," to use the minister's own words.

He will be aware of a comment by Donna Lenhoff, writing on Equal Pay for Work of Comparable Value as a Strategy. She said:

"Once women are restricted to employment in only certain occupations they are overcrowded into those occupations, the demand for women's labour is low, the labour supply is great and women therefore are forced to accept lower wages. It is a classic case of labour market segregation in which division within the labour force reduces its overall bargaining power."

2:30 p.m.

Given those comments about occupational segregation, how do the minister and the gov-

ernment expect that a composite approach, which looks at only the four criteria in substantially the same area of work, will change the kinds of job ghettos that we have in Ontario and which mean that women today make only 63 per cent of what men make?

**Hon. Mr. Ramsay:** The honourable member used the word "comparable" jobs; I think we are talking about equal jobs. We could go back and forth all day and really not reach any sort of agreement between the member and myself. I happen to feel this is an important measure; I feel very strongly about that. I plan to monitor the situation very carefully. It is just another step towards the equality of men and women in the work place. As far as the wage gap is concerned, there has been significant progress made in that respect in Ontario and this is just another step in that direction.

**Mr. Rae:** Mr. Speaker, the question in all of our minds is why the step is so small and halting. I would like to ask the minister specifically if he can address this question. Why did the government reject the approach of equal pay for work of equal value while limiting itself in terms of comparable jobs? Why did the government limit itself in that way?

The minister knows it is simply going to have the effect of continuing the job ghettos which now exist not only in the public sector but throughout the private sector as well. Why did he specifically reject the other approach which was put forward by this party and the other party in the debate in the last two months?

**Hon. Mr. Ramsay:** Mr. Speaker, obviously I do not agree with the honourable member. As to rejecting any approach, we have taken a studied approach to this matter. We feel we are doing it in a reasonable way. We are trying to take into consideration the marketplace and the needs of women in Ontario. I feel we are doing it in a very adequate way.

**Mr. Wrye:** Mr. Speaker, the minister may believe we are making progress but the facts belie his statement. The fact of the matter is we are making almost no progress whatsoever and we are going to make very little new progress as a result of the minister's change today. I will go back to the question the leader of the third party has asked. The minister referred to it as another step. Why did he not take a giant step for the women of this province? Why did he take a half, halting step? Why do we have staged progress?

Finally, considering the minister is going to monitor this situation, what progress does he



expect in the narrowing of the wage gap before he rejects this idea and takes the final full step of equal value legislation?

**Hon. Mr. Ramsay:** Mr. Speaker, the whole matter of the narrowing of the wage gap is not necessarily related to legislation. One cannot do it all by legislation. One has to break down those traditional barriers which are being broken down in our schools and universities. That is a fact. One also has to take into consideration the comments of Professor Gunderson, who did a report not too long ago. He said something to the effect that the approach to equality is in using an arsenal of weapons. No single factor will bring it all to a successful conclusion. That is what this government is trying to do, to bring forward an arsenal of weapons to approach this problem.

Further, Dr. Gunderson also said in his report that the legislation for equal value would only narrow the wage gap by one or two percentage points. That is why he was saying we need a much broader—

Interjections.

**Mr. Speaker:** Order. New question.

#### PROVINCIAL AUDITOR'S REPORT

**Mr. T. P. Reid:** Mr. Speaker, could I have the Solicitor General's attention? He had better pay attention to the report of the Provincial Auditor. I would like to refer him to page 90, particularly, and pages 91, 92 and 93. They are a litany of mismanagement which has cost the taxpayers of Ontario a great deal of money.

Can the Solicitor General explain to the House how the cost of his telecommunications project went from something in the order of \$24.4 million in January 1980 to a projected cost of almost triple that, \$71 million, three years later? Can he explain how this monumental underestimation could have taken place? Who was responsible for the estimation and for carrying this project through?

**Hon. G. W. Taylor:** Mr. Speaker, as you can very well understand, the process that initiated this program went back some considerable number of years. It was decided that the present radio system in Ontario Provincial Police cars, which is about 34 years of age, was not carrying out the functions the OPP wanted it to carry out. Obviously, with a system that old there were blind spots and frequency problems. It was decided, through the usual process of study, Management Board planning, ministry planning and OPP planning, to upgrade the system.

This was a major undertaking of some note when we consider that the OPP is deployed throughout the province. Also, when we look at the figures, I think they are a little deceptive. There was an estimated figure of \$24 million when the program was commenced, but since that time we have had some increase in dollars by way of inflation. We have had an increase by way of expansion both in the electronics field and in the computer field. There has been a massive increase both in costs and in technology in a very short period of time.

We are building a system which can accommodate innovations in the future which other police communities such as Vancouver, Calgary and Ottawa are experimenting with, so we can have in-car digitals.

The situation developed whereby when I became minister and watched the progress of the project I discovered it was not going to go along as was estimated originally. The matter was then taken to Management Board and a whole new management team and tight controls and planning projects were put in.

In answer to my friend's question as to why it appears in the Provincial Auditor's report, at that time I also opted to inform the auditor that we did recognize this project was becoming a little more expensive than was originally expected. As it was increasing in cost on its design as originally contemplated, we decided to put a management team in there in conjunction with the representatives of Management Board. We now have that management team in place and are proceeding with the instrumentation of putting these new programs into place.

**Mr. T. P. Reid:** I have never heard \$50 million called "a little more" increase in cost. The minister will take C. D. Howe out of the history books. Talk about reverse hyperbole.

**Mr. Speaker:** Question, please.

**Mr. T. P. Reid:** There is a whole litany of mismanagement in this ministry. Who was responsible for allowing this project to get out of hand so that, in effect, the minister had to call in Management Board, which said—the report concluded that effective controls had not been exercised? Who was responsible for this? Who was responsible for the cost escalating from \$24.5 million to \$71 million?

Surely the new computers and all the electronic communications have made things cheaper, not more expensive, in the past three years. Who was responsible for the short-term absences of the ministry's management personnel? Who

was responsible for the poor administration of the Ontario Police College? What is the minister going to do about it? Where does the responsibility lie?

2:40 p.m.

**Hon. G. W. Taylor:** With the honourable member's background he should not have to ask with whom the responsibility lies.

The process of the auditor's report is to provide us with information and, indeed, to instruct us with that information. We have put in certain procedures to make sure the programs are carried out. When he speaks of absenteeism and of the Ontario Police College, we have certain programs designed within the ministry and within government generally to make sure these things do not happen. However, one has to recognize that although we do not condone or approve, from time to time some of these programs do not function in the way one would precisely want them to function. The Provincial Auditor brings that to our attention and we put in corrective measures.

In the same document the member speaks of there are corrective measures that were taken within the ministry to make sure these things did not proceed in that way again or to try to prevent them from continuing on in the direction they were going.

**Mr. Rae:** Mr. Speaker, the minister has not answered the basic question. Fifty million dollars have just been magically added to a major telecommunications project. If the minister is not responsible, then who in his ministry is responsible for what has happened?

**Hon. G. W. Taylor:** Obviously, the members want me to name the specific people within the ministry whose functions these are. These procedures are set up to make sure the program takes care of itself and is provided with a management team.

As to the estimate, it is only an estimate at this time. We are within the original budget and are proceeding along with the tight controls that Management Board has placed on this matter. The matter now has a management team that reports directly to the deputy minister and periodically he has to report to Management Board as each process proceeds.

Also, we are scheduling—and it is taking place—the pilot project of the radio system. The honourable member said that some of the equipment is being reduced in price. That may be so in some electronic fields, but this is a custom program for the Ontario Provincial

Police to meet their user requirements. Indeed, it is one of the major undertakings of the company to provide us with the material in all aspects.

**Mr. T. P. Reid:** Mr. Speaker, I want to make this very clear to the minister. Two people are responsible: he, as minister, and his deputy minister. That has been established. We have even seen, as recently as Friday, where sometimes civil servants have to take their lumps; although in Mr. Gordon's case, it seems he is going to prove the adage that in government heads roll uphill rather than downhill.

Can the responsible minister, the minister responsible to this Legislature and to the taxpayers of Ontario, tell us what steps he has taken to ensure that matters such as those in all three cases do not happen again? Were any reprimands made or disciplining taken with the people who were responsible for overseeing the three particular items in the auditor's report?

**Hon. G. W. Taylor:** If one wants to ask whether any reprimands are taking place, I think that is within the process of the Ontario Civil Service Commission.

As the honourable member knows, we have Management Board in place. They were brought in to oversee the program when I saw that it was not being carried out within the usual process of budgetary control. There are people within the ministry who are responsible for different phases of it. The Ontario Provincial Police were responsible for different phases, as were ministry personnel, and both were aware of their duties.

One might say they are carrying out those functions. Maybe honourable members would say they were not being carried out precisely. When it was discovered, we made corrective measures and brought in the necessary corrective team. We carried out this matter in an expert, very efficient and responsible way when we learned that the project was not going in the desired direction.

#### EQUAL PAY FOR WORK OF EQUAL VALUE

**Mr. Rae:** Mr. Speaker, my first question is to the Minister of Labour and it concerns the announcement he made today. In his final answer to questions about the announcement, he said that, according to Professor Morley Gunderson, application of the equal pay for work of equal value test would only reduce the wage gap by one or two per cent.

The obvious question to the minister is, is he not then admitting that his own new test, which



is more limited in scope than the wider scope Professor Gunderson was talking about, will mean even less than one or two per cent?

**Hon. Mr. Ramsay:** Mr. Speaker, first of all, in responding to that, I should perhaps indicate to this Legislature why we have not gone further, as the honourable member has suggested we do.

Primarily, there still are several major questions in my mind about the practical implementation of equal value for dissimilar jobs, including the reliability of the job evaluation techniques required, the impact on collective bargaining and the ability to limit a change to comparable jobs occupied by men and women, as distinct from those of the same sex. All those questions are still unanswered, but we are not just standing by and waiting for those questions to be answered. We are trying to move forward with something like the composite test, which gives us the opportunity to monitor and look at this type of approach.

**Mr. Rae:** The minister did not answer the question. He did not even start to answer the question. Therefore, I am going back to the minister, who has quoted somebody from the University of Toronto as saying that equal pay for work of equal value is not the answer to all the problems. There is no disagreement on this side.

He then goes on to throw out the figure of one or two per cent. That is the figure upon which the minister is relying. By how much is this proposal going to reduce the wage gap?

**Hon. Mr. Ramsay:** Mr. Speaker, the honourable member is forgetting about the other factors that have already been implemented, the other procedures that are taking place in this province, the changes in attitudes that are taking place in this province, all of these things. "An arsenal of weapons," to quote Professor Gunderson again, has been in existence in this province and this just adds one more factor to that; one more very helpful factor, incidentally.

**Mr. Wrye:** Since the minister has referred to his arsenal of weapons in this province, I want to refer him back to pages 1 and 2 of his statement.

An arsenal of weapons presumably includes affirmative action programs. The minister admits for the record that since 1975, when the affirmative action consulting service was established, a grand total of 230 employers have established strategies. That involves only 300,000 women out of a work force of well over two million or three million.

Can the minister tell us if he has any plans

afloat to add a little power to this part of the arsenal of weapons? Since he quotes Professor Gunderson at length, he will be aware that Professor Gunderson has said affirmative action programs are important. When are we going to get serious about affirmative action, or is the minister satisfied that 230 employers in some eight or nine years are adequate to indicate some kind of progress?

**Hon. Mr. Ramsay:** Mr. Speaker, the 230 employers are up from 175 employers of not too long ago. I know in my own community of Sault Ste. Marie, where affirmative action programs were taken up only by the Algoma Steel Corp. and the board of education, since that time, within the last few months, there have been four other major employers who are now considering looking at affirmative action.

Those 230 employers represent a network of employers across this province. If one adds to the 300,000 women the number of women who are covered by the affirmative action programs in the civil service of this province, that figure will be substantially greater.

**Mr. Rae:** The minister knows full well that at the rate the government is moving on affirmative action, it will take 1,800 years to include all women who are working for employers who employ more than 20 employees. That is the kind of staged progress we are talking about.

The question I have for the minister simply relates to the fact that in his answers today he has clearly indicated the government has rejected in principle the notion of equal pay for work of equal value. That has clearly been rejected by the minister. He is raising objections to it which amount to objections in principle. He can fudge it over any way he wants, but that is substantially what he is saying.

2:50 p.m.

I want to go back to the basic question I asked the minister. By how much do he and his experts in the Ministry of Labour expect this measure will reduce the very substantial wage gap existing today between men and women working in Ontario? Just how much is it going to do?

**Hon. Mr. Ramsay:** I can only repeat what I have said before. It is one of many measures, and I am sure it will have substantial benefits for women in the work force in Ontario.

#### NURSING HOME CARE

**Mr. Rae:** Mr. Speaker, my question is to the Minister of Health. I want to start by welcoming him back to the Legislature. We on this side



have certainly missed his not being around; we certainly missed some answers. The short, quick replies we have come to associate with the minister were sorely missed on this side. I want to welcome him back and say how glad we are to see him.

I want to ask the minister some questions arising from a statement he made today. I do not understand how he could have been so cruel to his predecessor, now the Treasurer (Mr. Grossman), who just a few short months ago on February 22 said in this House that we have "what I consider to be an excellent inspection team. That is one of the reasons I feel comfortable in saying we have adequate staff. The system is good." That was the message from Larry in the middle of the fourth annual crackdown he announced in one year.

**Mr. Speaker:** Question, please.

**Mr. Rae:** I want to congratulate the minister on adding now the fifth annual crackdown. I think we should almost declare this to be a public holiday in terms of crackdowns announced by the government with respect to nursing homes.

Just to throw the minister a very quick, easy question, because I know he is a little out of shape and wants to get back into shape, would he be good enough to tell us the names of the four nursing homes which have received the letters of revocation before the Nursing Homes Review Board?

**Hon. Mr. Norton:** Mr. Speaker, I am sure the honourable member is aware that since the initial announcement of the program to which I referred in my statement there have been substantial improvements, particularly with respect to environmental standards in nursing homes and in all of the areas about which concern has been expressed.

I would echo the words of my predecessor that the staff of the inspection team is excellent.

**Mr. Rae:** Adequate.

**Hon. Mr. Norton:** On the particular point of adequacy of numbers, I happen to have a somewhat different perception. The work load has been steadily increasing, and it is my opinion it has reached the point where it is taxing the staff of that branch almost to the limit. In order to further beef up the inspections and enforcement, as I have indicated we plan to do, I feel further staff is necessary. We have taken steps to enhance that.

With respect to the four nursing homes, I think the honourable member is aware, as I am,

of a couple of them. I would have to undertake to give him the names of the others tomorrow.

**Mr. Rae:** I am sorry the minister missed that question but I am sure he will be able to get an answer to us. It would have been of interest to us. He is a little out of shape.

**Hon. Mr. Norton:** I have them now.

**Mr. Rae:** He now has them. He has his runners working, I see.

**Hon. Mr. Norton:** On a point of privilege: I would like to make it clear that the honourable government House leader (Mr. Wells) is not my runner.

**Mr. Speaker:** Now the member for York South.

Interjections.

**Mr. Rae:** Even designated hitters occasionally take the bat off their shoulders.

Could the minister comment on the fact that the Provincial Auditor's report in talking about transfer payments says: "In this connection, we believe the government has the responsibility for assuring the funds are managed with due regard for economy, efficiency and effectiveness"?

The minister will recall that last year I raised the example of the Heritage Nursing Home financial statements for 1980 which were made available to us. They showed that the owners of the home had managed to take nearly \$500,000 out of the home in one year: \$169,000 advanced to shareholders; \$91,000 advanced to various companies owned and controlled by the same people; \$23,759 advanced to the owner's family trust; \$158,278 paid out as a management fee; and \$42,983 rent in excess of mortgage; portion of profit to owners and the other half to the partner; making a total of \$486,000. The minister will also be aware that same home in that same year spent \$1.90 per day per resident on food, excluding wages.

I would like to ask the minister whether he would not agree that it might make sense for the ministry itself to refer the whole question of transfer payments in the nursing home sector to the Provincial Auditor so that the people of this province can get an independent assessment of whether they are getting value for money and whether they are getting due regard for economy, efficiency and effectiveness.

**Hon. Mr. Norton:** It might surprise the member, but I am not familiar with the question he said he asked a year ago. It might have something to do with the fact I was not in the ministry. I am not familiar either with the

financial statement from a year ago of the Heritage Nursing Home.

I am sure he is aware all parts of the Ministry of Health, with respect to transfer of payments and otherwise, are open to the Provincial Auditor at any time. I am sure he could refer his question to the Provincial Auditor if he is so deeply concerned about the implications of the financial statement to which he has made reference. If he has some substance to his concern, that might be sufficient to provoke the Provincial Auditor to take a look. Certainly, he is welcome to do so at any time.

**Mr. Conway:** Mr. Speaker, what are we to make of the minister's statement today which reiterates the government's commitment to high levels of care, to excellence and to apparent vigilance when we read nowhere in his statement of a new or an altered funding regime to take into account the heavy or extended care burdens which are crippling so many of our nursing homes, particularly nursing homes in his part of Ontario and mine?

**Hon. Mr. Norton:** Mr. Speaker, that is certainly a commonly alleged problem faced by nursing homes. It is true that in some instances the levels of care have increased over the years, in particular in communities where there may be a deficiency of chronic care beds. I think the honourable member and I are aware of one which impacts particularly upon his constituency.

However, it is not necessarily true that it is generally a problem throughout the province. We have sent teams in to do assessments of patients in nursing homes where such allegations have been made. In a number of cases, we have found the suggestion that the levels of care had exceeded that of extended care and were of a chronic care level was not substantiated. Independent physicians have confirmed that in some of the nursing homes.

It is a problem in some. It is one we are trying to address and will continue to do so. I am hoping we might be able to address some of the more glaring examples of that in the relatively near future when we receive the next allocation of chronic and extended care beds.

**Mr. Cooke:** Mr. Speaker, when are we going to see amendments to the regulations or amendments to the act that deal with the quality of life issue and the quality of care issue? All consumers' groups, the Concerned Friends of Ontario Citizens in Care Facilities as well as other consumers' groups, and even Mr. Heagle from his own ministry when I was on a panel with him,

indicate this is an area the Nursing Homes Act does not address at all. When are those issues going to be dealt with?

**Hon. Mr. Norton:** Mr. Speaker, I am not sure I would agree. I was not present, of course, and cannot say if Mr. Heagle said that. I know Mr. Heagle very well and I doubt he would have made such a sweeping statement. There may not be anything that is specifically called that in the act, but surely the member recognizes that a number of the areas of regulation do impact upon the quality of life of the residents.

I do not know whether the member is more able than I. this is something I have considered over the last year—

**3 p.m.**

**Mr. R. F. Johnston:** I do; I can clear that up for you.

**Hon. Mr. Norton:** The member can answer that, can he? I am sure he can.

Over the last period of time since coming to the ministry, this is an issue I have given some thought to. It is a very difficult area to define in regulation. Often issues relating to the quality of life in a residential facility such as that really end up being a product of such things as attitude and the kind of interrelationships that exist between staff and resident. I am not sure how one commits all of those very subtle but important things to regulation. I know the member's party does not like to admit this, but there are some things in this life that one cannot commit to regulation.

#### PROVINCIAL BICENTENNIAL

**Mr. Bradley:** Mr. Speaker, I have a question for the Minister of Municipal Affairs and Housing. Mindful of the contention of the Premier (Mr. Davis) that the choice of 1984 as Ontario's bicentennial is based upon historical rather than political considerations, I wonder whether the minister can tell the House whether he consulted the Premier before he spoke to the Progressive Conservatives of Roseneath recently when he was reported in the November 25 edition of the Cobourg Daily Star as saying the following:

"On Monday, Claude Bennett, Minister of Municipal Affairs and Housing, outlined his reasons for predicting a 1985 election when he addressed a group of Tories in Roseneath. He said the Premier wants the publicity generated in 1984 by the bicentennial celebrations, the Queen's visit in July and a papal tour in September to set the stage for re-election."

Did the minister consult the Premier before coming forth with this astute analysis for the Roseneath Tories?

**Hon. Mr. Bennett:** Mr. Speaker, I am sure that if I had I would not have been given permission to say that. I do not recall those being my words either.

**Mr. Bradley:** I have never found the Cobourg Daily Star to misquote me on any of the issues in this House. I ask the minister, as the Minister of Municipal Affairs and Housing and now the minister responsible for bicentennial celebrations, whether he agrees with many in the province who are now saying, that with the housing crisis in existence in this province, just some of the money designed for the purposes which he has suggested to the Roseneath Tories might be devoted to the acute housing crisis in this province, and will he be recommending that at the next meeting of the cabinet?

**Hon. Mr. Bennett:** I have to suggest to this House very directly that I think the opportunity of celebrating the 200th anniversary of this province is worth while.

**Mr. Foulds:** Which year?

**Mr. Speaker:** Order.

**Hon. Mr. Bennett:** In terms of the number of dollars from either my ministry or through the Premier's office, I think one one will find the municipalities have felt we should have been giving them more in the way of trying to help them celebrate the particular activities.

I have no way of refuting the fact that next year, 1984, will be a great year for Ontario with the bicentennial. I know most members of the opposition will participate, because out of 838 communities, we now have about 760 that want to be part and parcel of the celebrations in this great province in 1984.

With the number of dollars we put into the program, I think it will be money well invested in the people of Ontario. It is one of the priorities, along with housing, health, education and the other fields of responsibility of this government.

**Mr. McClellan:** Mr. Speaker, just to clear the record, is the minister denying he made this statement?

**Hon. Mr. Bennett:** Mr. Speaker, is the member referring to whether I feel the Premier will not call an election in 1984? Yes.

#### SUBSIDIZED RENTAL HOUSING

**Mr. McClellan:** Mr. Speaker, I have a ques-

tion for the same minister with respect to the failure of ORCL, the Ontario rental construction loan program, to provide affordable housing for low-income households.

Since the minister gave us the information about two weeks ago that under the ORCL program about 15,000 rental units had come on stream since 1981, and given the requirement under the ORCL program that up to 20 per cent of these units were supposed to be offered to local housing authorities for allocation to low-income households under the minister's rent supplement program, can the minister explain why, out of the 15,000 units that have come on stream, only 992 have actually received rental supplement, which is not exactly 20 per cent but is more like 6.6 per cent of the units?

How is it, at a time when there are 25,909 households on the waiting list for subsidized housing, that the minister has managed to create a program that has fallen short of its target so phenomenally?

**Hon. Mr. Bennett:** Mr. Speaker, let us go back to the time we announced the Ontario rental construction loan program. We had three things in mind. The first was to try to provide new rental accommodation in the various communities across the province; that was the number one objective. The second was to try to create some opportunity for employment. The third—and I do not put them in their order of priority; they are just three things we were looking at—was to provide some of the units that would be in the Ontario rental construction loan program from the private sector for rent-geared-to-income.

**Mr. McClellan:** Twenty per cent.

**Hon. Mr. Bennett:** The percentage is correct; 20 per cent is correct. I do not deny that. It is very clearly spelled out in the rules and regulations in making one eligible for the interest-free loan that was being offered for the program.

If the honourable member also wants to look at the completion dates for these buildings, it will be in 1984 and even early in 1985 before some of them are in the mill for rental purposes; they are still under construction. I do not know the exact number of units today—but I can get the information—that have been completed and are on the market both for rental in the free-rent system and for rent-geared-to-income. As far as I know, a very substantial portion of the units that were made available to the various local housing authorities in this province in the jurisdictions where the units were built have



been taken up, but I want to remind the House that there are still a large number of units to be completed and put into the rental market.

**Mr. McClellan:** Is the minister aware that the number of private sector apartment units under the Ontario Housing Corp. rent supplement agreements was 11,499 in the 1979-80 fiscal year and that the total three years later, at the end of the 1982-83 fiscal year, was 11,094, for an absolute decline in the number of rent supplement units of 405 over the course of the three-year period?

Does the minister agree it is obvious that private sector landlords are simply pushing low-income tenants out of their buildings if they are on rent supplement and using the very tight market conditions to replace rent-supplement tenants with more affluent tenants who can afford to pay the market rent? Does the minister not understand that this is what is happening, that the kind of program he has set up under ORCL simply will not work in today's market conditions? When is Ontario going to accept its responsibility to put in place housing supply programs that will create affordable housing for low-income households in this province?

**Hon. Mr. Bennett:** Some years ago, when we first got into the program of renting from the private sector for people who required public assistance, we entered into that program for a definite period of time; five, 10 or 15 years, depending on the agreement we could arrive at with the landlord. I do not deny that today as those contracts are expiring some of the landlords have clearly indicated to us that they wish to put the units back into the private rental sector without going through public housing.

**Mr. McClellan:** That is what I said.

**Hon. Mr. Bennett:** Yes, but just listen. At the same time, while that program has been in place, since 1978 we have also had the creation of municipal nonprofit corporations, private nonprofit corporations and co-op developments across the province where a percentage of the units under those programs, sponsored by the federal and provincial governments, have been made available to us. We have taken up those units, and the member will know that we have gone further than that by increasing the percentage we will make available under that program for rent-geared-to-income.

At the same time, we have continued to try to find other programs. ORCL was one. Another was the Canada rental supply program, under the federal government, which indicated that a

third of the units could be made available for public housing purposes; we have taken up that opportunity, mainly because it was not counted against the allotment coming from Canada Mortgage and Housing Corp. to the ministry in Ontario or, for that matter, to any other ministry in the other jurisdictions.

**3:10 p.m.**

We have realized our responsibility. We have moved with various programs over the past three or four years to encourage municipalities, private nonprofits and co-ops. Indeed, we have gone to the point of encouraging the private sector through the federal program and our own. The last program, the renter-buy program, was to encourage people to move out of rental accommodation into ownership to free up some of those units so they could be made available for people of lesser incomes on a general basis throughout Ontario.

#### SUNDAY TRADING

**Mr. Williams:** Mr. Speaker, I have a question for the Solicitor General. On Friday last in the House I brought to the attention of the Solicitor General the fact that the mayor of North York in promoting Sunday shopping was offending the conscience and dignity of a large number of families and workers in my community who truly value a full day of rest one day a week to seek nourishment for both body and soul. At that time the minister made a very positive statement indicating the government's resolve in preserving these fundamental rights under the Retail Business Holidays Act.

Given the fact that the mayor of North York in siding with the Ontario shopping centre operators wants to portray all of the city of North York as a tourist resort to seize on a provision in the Retail Business Holidays Act supposedly to legitimize wide-open commercial shopping in our city, could the Solicitor General make it clear to this assembly and to all the people of North York that this vision of the city being a tourist mecca is an aberration that clearly offends the spirit and intent of the Retail Business Holidays Act?

**Hon. G. W. Taylor:** Mr. Speaker, I know some days I have difficulty with my honourable friends in making clear what I do say in the Legislature, as many other members do, but on this point I have no difficulty in stating that there is an act and it is being interpreted by different judges and by different individuals to their own purposes.

As I can recall some of the debates that went on in this Legislature, I do not think the tourist exemption, as it is described in the vernacular, would include items of the size of malls of the type of Yorkdale, of communities the size of North York, of the Eaton Centre or of places of that nature. One would have to admit that from time to time tourists do go through those establishments, but in no way do I think they were in the realm of contemplation of the type of business that was for maintenance or development of a tourist atmosphere.

I did not have quite the opportunity last Friday when the question was raised, but I mentioned afterward that I would have to bring back the legislation to this House for clarification or definition of what they felt and this House felt was a tourist establishment. I do not think it would be wide-open Sunday shopping in Metropolitan Toronto.

**Mr. Williams:** Given the fact that recent court decisions in Ontario and Alberta have challenged such legislation on constitutional grounds in relation to the Canadian Charter of Rights, could the Solicitor General indicate to the House what initiatives he is taking to ensure our law is maintained and enforced in the interests of Ontario society?

**Hon. G. W. Taylor:** Briefly, I think the Alberta decision, without being the authority on the law in that situation, was based on another statute that does not have application in Ontario. The decision that described the laws in Ontario as being unconstitutional has been appealed. I hope the courts will interpret it differently from the way the judge at the lower level did. I think we will have success on that. That would leave us in the position that retail stores of the nature that were open should be closed on Sundays.

The other part is that we have police forces throughout Ontario that are prosecuting under the legislation. The judges have been asking and have been obtaining and giving out larger fines so it does not become a licence to open on Sunday. I think the legislation has very wide and respected support from all aspects of our society and all sectors of our society.

As to those people who are staying open, I think it takes little difficulty to understand the legislation. It starts off that all stores are to be closed. There are a few exemptions and emergencies, and a few tourist and other recreational exemptions. But when they try to push the definition then I think they are asking for the

intervention of the different and respective police forces to enforce the law specifically.

**Mr. Cassidy:** Mr. Speaker, in view of the harmful impact on hundreds of thousands of retail workers and their families of widespread Sunday openings at the shopping malls across the province, and in view of the fact that our stores are already open from 60 to 70 hours a week from Monday to Saturday for the convenience of consumers across the province, could the Solicitor General undertake that there will be a clear statement of government policy made in this Legislature before we rise for Christmas saying that Sunday hours in shopping plazas will not be acceptable to the government? Could that statement be made clearly before Christmas in order that this matter can be settled once and for all, rather than leaving loopholes which will be open to be exploited by certain operators?

**Hon. G. W. Taylor:** Mr. Speaker, the law is quite definite and speaks for itself. As I mentioned, it does not need any specific interpretation. I think what I have said today is a statement not only in respect of the legislation but how I feel on the subject as an indication of how it should be enforced. As the honourable member has spoken for workers, I think it is not only a statute for workers but also a statute for operators of businesses and for individuals so that we do have that pause day, that day we all recognize which is set aside for family and other reasons. Having the questions put and the statements we have made in the House, there should not be any difficulty for the public, business and retailers to understand our position on the subject.

#### HYDRO FORUM

**Mr. Kerrio:** Mr. Speaker, I have a question of the Minister of Energy regarding the select committee re-establishment, a "yes or no" situation.

I am sure the minister was here the other day in this very forum when the Premier (Mr. Davis) said he does not have a closed mind as it relates to the re-establishment of a select committee. I am sure he is also aware that the acting chairman of Ontario Hydro has pointed out that forum served the public of Ontario extremely well and that those members who sat on that committee conducted themselves in a very responsible manner.

Now I find the minister has shared some of his feelings, not here in the Legislature but with Jacob Beam Public School, where it was reported he said he would not re-establish a select

committee. I would like to know whether that is what the minister said and whether he has taken that initiative out on the hustings instead of here in this forum where he should make such important announcements.

**Hon. Mr. Andrewes:** Mr. Speaker, that is not what I said at the Jacob Beam Public School parent-community-school meeting.

**Mr. Kerrio:** It certainly leads to a supplementary, because it opens the question as to what the minister did say. It seemed he was not willing to share that with us. I am quite surprised at that.

I have to put the question again; so I will put it as a supplementary as well. The minister went on to say the reason for that position was that he did not want to give less responsible members of this Legislature a forum to question Ontario Hydro.

**Mr. Bradley:** The minister did not say that when he was a back-bencher.

**Mr. Kerrio:** No. There are possibly two questions. Has he arrived at a position of deciding whether he will allow such a forum? Did he say those people who served on those committees were less responsible members of this Legislature? What would lead him to say that when that select committee was given applause on all sides, not only by people concerned about where Hydro is headed but also from very responsible people in this province?

**Hon. Mr. Andrewes:** I would like to tell the honourable member that we have reached no decision with regard to the select committee. Second, my statements were simply that I had some concerns that members of a proposed select committee under a majority government situation would act responsibly.

The member can understand that. He has seen, on occasion, the situations that arise in committees where members of the opposition do not take a responsible position, where they ask the government to continue to take positions on committees that are not in keeping with the tradition.

Interjections.

3:20 p.m.

**Mr. Di Santo:** Mr. Speaker, I find the minister's statement amazing when we know that he was faced with the situation of coming before this House and not knowing how to answer because Hydro does not inform the minister.

**Mr. Rotenberg:** What is your question?

Interjections.

**Mr. Speaker:** Order.

**Mr. Di Santo:** I do not know how to quarrel with the member for Wilson Heights (Mr. Rotenberg), and I do not.

In view of the fact the government has always said that we do not need a select committee at this time because we have an annual review before the Ontario Energy Board, and the energy board has said the annual review does not make Hydro accountable to the Legislature and to the government, does the minister not think the actions he is taking contradict what he is saying today?

He says the government has not made up its mind yet and the Premier just two weeks ago said we do not need a select committee. Can the minister tell us what the policy of the government is? Above all, can he tell us how we can make Hydro accountable to the people of Ontario?

**Hon. Mr. Andrewes:** I would be glad to address that question, but we have only about five minutes left in question period.

**Mr. Speaker:** You have about a minute and a half.

**Hon. Mr. Andrewes:** Briefly, the member has once again quoted very freely from the 1982 report of the Ontario Energy Board. He has quoted the opinion of board counsel that was rendered in that decision and this is not necessarily the opinion of the board itself.

#### AUTOMOTIVE INDUSTRY

**Mr. Cooke:** Mr. Speaker, I have a question to the Treasurer, in the absence of the Premier (Mr. Davis), regarding the Federal Task Force on the Canadian Motor Vehicle and Auto Parts Industries. What steps does this government plan to take to put pressure on the federal government in order to implement the major recommendations in that report from the federal government?

Keeping in mind the Big Three auto makers in particular are making decisions now as to where they are going to be sourcing both auto parts and cars, if action is not taken by the federal government on the task force very soon, these decisions will be made and thousands more jobs will be lost in the auto sector.

**Hon. Mr. Grossman:** Mr. Speaker, the government of Ontario has shared the honourable member's concerns which he has had for some time in this area. In mid-July the Premier wrote to the Prime Minister indicating we felt the auto industry must remain high on the federal government's agenda. We indicated we were anx-



ious to have many of the portions of the task force's recommendations acted upon with due diligence.

At each and every point at which the federal government and this government have got together to talk about the economy, we have urged that action be taken on the matters the member has raised. We have indicated our support for many of the recommendations and we have had extended meetings with Mr. Lavelle and others with regard to the specific recommendations.

During the summer, when we last met at some length although there have been subsequent meetings, there were some particular requests to us from the task force that we make some follow-up suggestions and phone calls to the federal government. We accepted those requests and communicated further our desire to have some firm action taken.

We have repeated time and again our position that it is important the federal government not back off on some of the sourcing and investment suggestions as the quid pro quo for being able to sell automobiles in this country in the face of pressure from other parts of the country.

We believe it is not a matter of trading off another part of this country against Ontario, but when faced with the realities of international economics no business in fact will be lost to any part of this country because the federal government was insisting upon the same kind of deal from the Japanese, the same kind of sourcing and the same investment they have successfully extracted in other countries from those same people.

**Mr. Cooke:** The phone calls to the federal government and the speeches are fine, but what is this government prepared to do to put real political pressure on the government to make the positive political decision at the federal level that is needed, and that is to implement the specific suggestions on content legislation?

Will the minister recommend to the Premier to initiate a high-profile meeting with the Prime Minister of this country to put additional pressure on? Will he also put some pressure on Mr. Mulroney to take a stand on this issue so that the leader of the official opposition in the federal Parliament also finally takes a position on one issue and puts some pressure on the federal government as well? Those two moves would go a long way to putting the kind of political pressure on the federal government that is needed to implement the task force recommendations.

The minister will know that if something is not done soon a federal election will intervene and we are talking about 1985 before any of the really important recommendations will be implemented. That is simply too late. By that time the auto industry will pretty well be gone from Ontario if something is not done.

**Hon. Mr. Grossman:** I have a lot more confidence in the responsiveness of the next government of Canada to these kinds of issues. I am surprised that to date the city of Windsor, through its three, four or five cabinet ministers in Ottawa, has not had the clout to get some specific action on this subject.

We surely have exercised every degree of pressure on and advice to the federal government. In fact, it was not more than two weeks ago that I last wrote Mr. Lumley reminding him once again of the need to do this, that the place for new auto investment was indeed largely in Ontario and that we had to get about doing some of these things. That communication from me to Mr. Lumley is not two weeks old, so we are continuing the pressure at that level.

#### RESIGNATION OF MINISTER

**Mr. Rae:** Mr. Speaker, on a point of order: I want to draw attention to the fact that we on this side have just become aware that the Provincial Secretary for Social Development, the member for Armourdale (Mr. McCaffrey), has written to the Premier (Mr. Davis) submitting his resignation on grounds of health, and I want to express our very best wishes to him.

There are resignations that we have called for from time to time; there are resignations, no doubt, that other parties have called for; this is a resignation that I can honestly say we on this side of the House regret.

On behalf of all my colleagues in the New Democratic Party I express our very best wishes to the member for Armourdale. We hope for the speediest of recoveries and for his return to this House as an honourable and private member.

**Hon. Mr. Davis:** Mr. Speaker, I had hoped to refer to this in a few days' time when the minister could be present with us, but the word is out that the member for Armourdale has written to me. I will not read the letter, in that it is somewhat personal, but I gather that the letter in its entirety is available.

The minister has indicated to me that for reasons of personal health he has been advised not to continue as a minister of the crown. I have communicated to the press that, with regret, I shall be accepting the minister's resig-

nation. I have not done so yet and I quite honestly had been hoping to await his return. He has gone away for a few days of change.

**3:30 p.m.**

I shall perhaps have something more to say when the honourable minister is present with all of us here in the House. He is a very distinguished individual and one for whom all of us, myself in particular, have a great deal of respect and affection. He handled his responsibilities with total dedication and loyalty to me and to the government and his presence will be missed. I am sure we all regret the circumstances that have led to this determination on his part.

I had wished to inform the members of the House in the presence of the member for Armourdale, but it is true, he has communicated this to me. He is away for a few days and I know all of us hope this change, which will be something of a relief to him because he takes his responsibilities very seriously, will be beneficial to him in terms of the advice he has received.

**Mr. Conway:** Mr. Speaker, I would like to join the members for York South (Mr. Rae) and Brampton (Mr. Davis) in expressing the support of members of my caucus in this connection.

I have known the honourable member since he entered this chamber some six years ago. I suppose what is sadly ironic about this situation is that, speaking from my own point of view, I do not know of another member of this assembly who has worked more assiduously to keep himself in good shape than our friend and colleague the member for Armourdale. That he could be stricken in this way is a reminder to us all of the consequences of public office. I am not suggesting that is entirely the case here.

On behalf of my colleagues in the Liberal Party I want to wish the member for Armourdale a full and speedy recovery and I look forward to seeing him back in this chamber in a different capacity in the not too distant future.

**Mr. Speaker:** Thank you. I must say in a very personal way I am extremely sorry to hear this news. I would wish the minister well in whatever duties he may proceed with in the future.

## INTRODUCTION OF BILL

### EMPLOYMENT STANDARDS AMENDMENT ACT

Hon. Mr. Ramsay moved, seconded by Hon. Mr. Bernier, first reading of Bill 141, An Act to amend the Employment Standards Act.

Motion agreed to.

## ORDERS OF THE DAY

House in committee of supply.

### ESTIMATES, OFFICE OF THE LIEUTENANT GOVERNOR

**Hon. Mr. Davis:** Mr. Chairman, I think the estimates for the Office of the Lieutenant Governor are self-explanatory. As I have on other occasions, I would like to express in a public fashion in this House my appreciation to the Lieutenant Governor of this province for the manner in which he conducts himself in the discharge of this very important responsibility, and of course extend that to Mrs. Aird as well.

I think it is fair to state, and I am sure all members will agree, that the Lieutenant Governor brings to that important office a sense of dignity, certainly a great deal of hard work and at the same time, having been with him on many occasions when he has been with the public or members of this House at various gatherings, a very great sense of humour and a real sense of being able to identify with those individuals and groups he is visiting.

I want to say in a very personal way how delighted I have been to be in his presence at the many functions we attend together; I should emphasize of a nonpartisan nature. I would like to express personally and on behalf of the government our thanks to the Lieutenant Governor for the way in which he is conducting himself in this very important responsibility. I add once again the addition of Mrs. Aird as well.

**Mr. Conway:** Mr. Chairman, I might in an entirely bipartisan spirit associate myself and my colleagues with the remarks of the honourable the first minister in paying tribute to the Lieutenant Governor. This weekend I happened to read, among the many journals which it is my responsibility to survey, the Ontario firefighters' monthly report, and I saw that the Lieutenant Governor and Mrs. Aird were prominently carrying out their responsibilities in respect of that important group of people in this province.

While I have not had the honour and privilege of welcoming this Lieutenant Governor to the great hardwood hills and pine valleys of the upper Ottawa Valley, I look forward in the not too distant future to doing so. I am sure he will find the time and we in the great country of Renfrew can arrange the opportunity to welcome him to the constituency.

Certainly he has, as the Premier has properly pointed out, very onerous and trying responsibilities across the entire province. We com-

mend him for the discharge of those responsibilities in the past year. We wish him well in the 12 months upcoming, and of course we are able, without any real difficulty or discord, to vote this appropriation without further comment.

**Mr. Stokes:** Mr. Chairman, I would like to join with the Premier and the member for Renfrew North in echoing the sentiments they have expressed with regard to Ontario's first citizen and Her Majesty's representative here in the province.

I had the privilege of playing host to His Honour during a visit starting in Thunder Bay and down along the north shore of Lake Superior and up Highway 11, where His Honour had an opportunity over a period of four days to speak to more than 4,000 students and to be the guest of honour at luncheons and dinners hosted by the municipalities in which we stayed overnight. I can say that was the highlight of the year for the students who would wish to identify with the democratic process and the system of government we have here in Canada and in Ontario, headed by the Monarch and her representative.

**3:40 p.m.**

I also had the opportunity of arranging a visit by His Honour to the northern reserves, starting at Pickle Lake and going on to Fort Hope and up to Fort Severn on the shores of Hudson Bay and back to Big Trout Lake, where His Honour had an opportunity to visit with the chiefs and band members in all those communities. It is the first time since the treaties were signed by the chiefs of the day, some 100 years ago, and the representatives of Her Majesty Queen Victoria. They were signed by commissioners and the chiefs at that time. There has never been a visit of Her Majesty's representatives since that time.

On that occasion, His Honour was quite a hit, as he always is wherever he goes. I think it gave the people in those remote communities a sense of identifying with the crown and with much of what goes on down here.

I do not think I am telling any tales out of school. His Honour made two commitments. One was that he would pass on whatever he heard about the concerns of the people living in those remote communities in the north. I am sure he has done that. I am sure the Premier has received a communication from His Honour, passing on the concerns, whether social, economic or cultural, which were expressed to him on that auspicious occasion.

His Honour also indicated that if he were invited back before his term of office expires he

would be happy to accept another invitation to the north.

In a very real sense it was a moving experience for His Honour and his party to be exposed for the first time ever to the lifestyle people have in those far northern communities. I do not know whether the Premier has ever made such a visit. If he has not, I would be happy to set one up for him if that is his wish.

I want to tell the Premier it was unlike any other experience. I have had representatives from the media up there on a number of occasions. I have had Bill Casey from the Canadian Broadcasting Corp., George Hutchinson when he was with the London Free Press, and Rosemary Speirs up there when I think she worked for the Toronto Star.

It was like opening up a whole new world for those people. People like myself or my colleague the member for Kenora (Mr. Bernier) or my colleague the member for Cochrane North (Mr. Piché) can come down here and express our views which reflect the kind of lifestyle those people are subjected to up there. However, unless one gets up there at first hand and experiences it, one really will not have a full appreciation.

I have had discussions with the Minister of Education (Miss Stephenson) about this. Any time I talk about native people, I think we have to start with education, not only of ourselves but about making a really true educational experience available to them. I have often expressed the wish and the desire, if it could be worked out, that the Ministry of Education take over responsibility for education with a proper transfer of financial resources from the federal government.

While we have our shortcomings in terms of education in the province, it is far superior to what they are getting at the present time. If the minister has had an opportunity to speak with His Honour, I am sure this would have been reflected in his perception of the way things are going in the north. Unless one goes there, as His Honour has done, one really will not have a full appreciation of the lifestyle there.

This is the kind of thing His Honour has been doing. It is the kind of thing he enjoys. It is the kind of thing he sees as his responsibility as the first citizen. I think the incumbent, the Honourable John Aird, is doing an excellent job on our behalf. I can only say any funds we are voting here are moneys well spent. I think perhaps we could even give him a little more because I know he has to run a pretty tight ship.



I happen to have some personal knowledge whereof I speak. I think he could be even more effective if we could increase the funding, but I know it is not within my domain to move an amendment that would give effect to that kind of thing. All I know is that the dollars we are being asked to authorize are moneys that are extremely well spent.

I would like to pay tribute in a very personal way to the present incumbent. I know he is doing an excellent job as Her Majesty's representative in Ontario and I was so pleased to be a part of his trip to the far north. I think in general terms we will all benefit from it and I think we should have more of it.

**Mr. Kerrio:** Mr. Chairman, I rise to add just a dimension to the involvement of the Lieutenant Governor that brings a great deal of pride in what might be considered his historical responsibility in representing Her Majesty at various functions. In a personal way I had an experience not long past with the Lieutenant Governor as we attended the opening of Branch 479 of the Royal Canadian Legion in the city of Niagara Falls.

I think the attendance of the Lieutenant Governor added a dimension that was very much appreciated by those veterans in our community who do so much more than meet on occasion to talk about their own personal interests. Because they are so involved, because they move about in the community and help so many people, it gave me a great deal of pride to see the Lieutenant Governor honour the legionnaires of Branch 479 by attending the opening.

It was a pretty impressive ceremony with a 15-gun salute and the pipers leading the Lieutenant Governor and his party to inspect the Canadian forces assembled there. To acknowledge the participation of our veterans and to be a small part of those festivities was very rewarding for me. The fact the Lieutenant Governor was in attendance pointed out the dedication this honourable gentleman has in moving about the province to acknowledge those people who have, in a way that is important to all of us, continued to participate in our various municipalities.

There is a specific note that brings a sense of pride to us in border cities. A good number of American visitors come across the border to share with us memorial services at the cenotaph. We had nothing but the highest compliments about the significance of having the Lieutenant Governor participate in the opening of one of the branches of the Legion in my area.

I wanted to put that on the record to give some small indication to the Lieutenant Governor that the role he plays is important to people who give dedicated service to their communities. In a small measure I would like to say thank you to him. I am looking forward to the many more occasions on which he visits our great part of Ontario.

Vote 101 agreed to.

3:50 p.m.

**Hon. Mr. Davis:** Mr. Chairman, can I assume the usual practice will be followed with this next item of business, just to make it easier? While the vote is the Office of the Premier, could we combine both the Office of the Premier and the cabinet office for purposes of these discussions and not differentiate, to make it easier for us all.

Agreed to.

#### ESTIMATES, OFFICE OF THE PREMIER AND CABINET OFFICE

**Hon. Mr. Davis:** It is my custom to lead off with a few brief observations; however, in the light of the fact the Leader of the Opposition (Mr. Peterson) is elsewhere—I know inadvertently—and I understand the leader of the New Democratic Party may have difficulty being here on Friday, I thought perhaps I would save my observations until later on in the estimates.

In any event, members opposite will appreciate the news of a few moments ago has sort of diminished to a certain extent my competitive instincts for a while. I thought that in order to accommodate the concerns of the leader of the New Democratic Party, I would suggest the opposition members make their observations so the member for York South (Mr. Rae) can get on, and I will probably have a few words in reply.

**Mr. Conway:** Mr. Chairman, let me begin by thanking the first minister for making himself available. I regret my parliamentary colleague, my leader, is away in Kitchener on a previously scheduled circumstance.

**Hon. Mr. Davis:** It is good practice for you.

**Mr. Conway:** When one represents 80 per cent of the electoral districts in a given region, as I know the member for Scarborough East (Mrs. Birch) will well appreciate, it is important to be seen in those precincts from time to time, as the Leader of the Opposition does so well in that marvellous Kitchener-Waterloo-Guelph area.

First, I want to share with the Premier a sense of depression at the news just announced by the

leader of the third party involving our colleague the member for Armourdale (Mr. McCaffrey). For me, in particular, it is very sad news. I do not profess to maintain or have close and good relationships with a lot of people around here, but I do like to believe the member for Armourdale and I are reasonably close. We became that way under the tutelage of the now Minister of Consumer and Commercial Relations (Mr. Elgie) who chaired that famous select committee on health care costs and financing where the member for Armourdale was vice-chairman.

I want to reiterate the point I made earlier. The sad irony of this situation is that, while not every one of us here can be said to be vigilant about his or her health, certainly in my experience the member for Armourdale was as careful and prudent about his fitness as anyone I have known in my time here. To see him struck down in this way, and a resignation now flowing from that health problem, is a very major caution to all members of this House.

As well, as we are on the subject of ministerial health, I want to welcome back from his absence the member for Kingston and the Islands, the Minister of Health (Mr. Norton), who appears to be in substantially improved fettle, and to note also that the member for Scarborough Centre, the Minister of Community and Social Services (Mr. Drea), has returned and appears, if his exchanges with the member for Beaches-Woodbine (Ms. Bryden) can be taken as any guide, to be fully recovered from any health problems he might have endured as a result of his most recent experiences.

In noting the presence in the gallery of the now returned Globe and Mail correspondent—I will not mention Miss Stead by name—I want to say it is very good to see her back. It is the first opportunity I have had to—

**Mr. McClellan:** Always trying to butter up the press.

**Mr. Conway:** Trying to butter up the press, says the member for Bellwoods. I do not know about that. All I can say is that the correspondent mentioned has made a very significant contribution to the demographics of Ontario and for that she has our unanimous approval.

I want to say to the Premier, in respect of the health of his ministers—I do not want to be frivolous—that I did read the weekend edition of Toronto's only national newspaper, the Globe and Mail, and there is printed an account under the byline of one Rosemary Speirs about the new Minister of Citizenship and Culture (Ms.

Fish). I mention the article only to underscore my concern about the health and safety provisions of ministerial office under the Premier in this province because it concerns me no little bit to read in the public press that the elegant and upwardly mobile and—can I quote the Treasurer (Mr. Grossman)—the “touchy-feely”—member for St. George was forced to await her call to the rarified air of executive council underneath the brambles or whatever shrubbery adorn the outside approaches to the Brampton residence of our first minister.

I simply point out to the Premier that it concerns me, as I know it concerns my friend the member for Bellwoods (Mr. McClellan), to read that members of the caucus who await the call have to take refuge underneath or around the—

**Mr. Stokes:** Mulberry bush.

**Mr. Conway:** —the mulberry bush or such other shrubbery as adorns the Main Street residence in Brampton of the first minister.

**Hon. Mr. Davis:** They were not bramble bushes.

**Mr. Conway:** I would accept that. I cannot recall the shrubbery around the Main Street residence of the Premier, but I am concerned that the health of future ministers of this Conservative Party will not be improved by his insistence directly or through his ever-burgeoning staff of minions and operatives, that these putative ministers must undergo the pain and perhaps private affliction of waiting for the call underneath the shrubbery of 61 Main Street, Brampton, Ontario.

**Hon. Mr. Davis:** Actually, she enjoyed it.

**Mr. Nixon:** I am not going to pursue that.

**Mr. Conway:** I do not know whether she enjoyed it or not, but I simply put on the record my concern about the working conditions this first minister has been forcing upon the upwardly mobile. It may be that is why, having spent some time underneath the shrubbery at the first minister's residence in that great Peel region community, the member for St. George can be described by our good friend and colleague the member for St. Andrew-St. Patrick as “touchy-feely.” One would be presumably very touchy-feely after a few hours underneath the shrubbery at 61 Main Street in Brampton.

My friend the Attorney General (Mr. McMurtry) has left. I was going to just also make reference to him and I am sure the Premier would want to join me in offering our collective praise to the Attorney General. Accord-

ing to the same weekend paper, he has received the written commendation of the Prime Minister of Canada for his memoir which appeared in one of the more recent editions of the *Queen's Law Journal*.

I must say, as the government House leader (Mr. Wells) disappears underneath the gallery, I felt the memoir the Prime Minister found so attractive and which I read with great care and for which I praised the Attorney General on previous occasions was somewhat deficient in not paying sufficient regard to the not inconsiderable efforts of the government House leader, who, I am told, had a place in the overall development of government policy.

**Mr. Nixon:** Nobody properly appreciates him over there.

**Mr. Stokes:** He wasn't in the kitchen.

4 p.m.

**Mr. Conway:** The member for Lake Nipigon indicates he was not in the kitchen.

I must say to the Premier, just again in passing at the outset of these remarks, that when I finished my homework, I happened the other night to put on the television and to see the Premier's introduction to the federal member of Parliament for Central Nova who was down at the Toronto Hilton Harbour Castle Hotel for a certain event.

I must say to my friend the member for Brant-Oxford-Norfolk (Mr. Nixon) that when the Premier finished his remarks I fully expected Ted Rogers to get up and thank the guest speaker. It reminded me somewhat of the old Intercolonial Railway; it was what one would call circuitous. At any rate, the speech had some good lines. I am sure the member for Central Nova appreciated so public a display of support and affection as was tendered on that occasion by the Premier of Ontario.

I have been a little concerned about some of the tension that appears to have been developing between the member for Brampton and me.

I noted what some would call a scrum of a few weeks ago. The Premier was expressing some reservation about my want of humility, my apparent self-righteousness. As I always do, I followed the Premier's advice and injunction with great care. I just wanted to perhaps build a new and better relationship and congratulate the Premier in one particular way. I have not had the opportunity thus far but after 31 years of loyal and at times difficult support for the Toronto Argonaut football club I really feel that

I, from the eastern hinterland of Ontario, should tell him how pleased I was for him.

I must tell him I was in the city of Brampton when the Argonauts were declared victors in that contest last Sunday night. I felt a certain twitch of bipartisan support for the Premier about whom, I might add, I have been reading this past weekend.

I do not want to make too much of this, but earlier in the year that is under review in these estimates, there was a lot of discussion and debate around the Ontario Legislature and within the ambit of provincial politics about the intentions of the Premier with respect to alternative employment in politics in this country of ours.

It was in that context that I enjoyed very much the recently published work of Messrs. Patrick Martin, Allan Gregg and George Perlin, *The Contenders*, a book about which one of my brothers, who is an assistant editor at Prentice Hall, has been telling me a lot in the past number of weeks. He kept telling me how much I would enjoy it when I finally saw it. I have not quite finished it; I have been dividing my reading between this and Paul Martin's equally interesting book.

But I did get to that part of the Perlin-Gregg-Martin account which dealt with the Premier's potential candidacy. I know my friend from York South has a better understanding of national affairs than I can ever hope to have.

**Mr. Stokes:** Says one who is waiting in the wings.

**Mr. Conway:** My wings are those of Icarus. I plan to fly nowhere. I am quite happy to stay put serving the good people of Renfrew North in the provincial Legislature lest my friend the member for Lake Nipigon get the wrong idea about my plans. He may be more clairvoyant than others, but I have a fairly good knowledge of my own intentions in that connection.

To return to the book, I presume the Premier has a copy and I presume he will be reading it.

**Hon. Mr. Davis:** I will be reading it over Christmas.

**Mr. Conway:** He tells me he will be reading it over Christmas. That is interesting. I would like to have a review.

I understand—and I hope I am not letting any trade secrets out of the bag; maybe I am—the Premier is venturing into the academic world sometime early in the new year, where I am apparently going to follow a few days or weeks later. I might even invite myself to that lecture,



because I find the prospect of that lecture very enticing indeed.

I feel after eight and a half years in this place that I do not have a very good sense of the member for Brampton. Maybe it is just my own failure to pick up on those telepathic signals he emits in his own inimitable way. But I get a feeling I know something about the member for St. Andrew-St. Patrick (Mr. Grossman), or the government House leader, the member for Scarborough North (Mr. Wells), or my friend the member for York North (Mr. Hodgson). I think I know what makes them tick a bit. Other than the overwhelming competitive drive of the member for Brampton, I often do not have a very good grasp of why he does some of the things he does or what has occupied his mind for a given time.

**Mr. Hodgson:** A little older and you will be okay, Sean.

**Mr. Conway:** My white-haired friend, the squire of Keswick, informs me the advance of age may improve my capacity in that connection. He is undoubtedly right. I always defer to the better judgement of my friend the member for York North.

Let me make a few points about the contenders. I was one of those Liberals who felt—and I bet money on this—that our friend the Premier was not interested, that he was too shrewd an analyst of the national and provincial political mood to risk so much now. I read about 100 and some-odd pages of this book over the weekend, and the best pages in this book for an Ontario politician are pages 48 to 52, where the “Davis potential candidacy” is under scrutiny.

I am prepared now to amend my earlier point of view, granted with hindsight and the help of this book. Our friend the member for Brampton was very close indeed, if this triumvirate is to be credited; and on the basis of their inside knowledge, they certainly have a fair measure of credibility with those of us who are more neutral and objective about the Conservative Party, not having the inside, subjective linkages that the people over there have.

**Mr. Stokes:** The chemistry was not there.

**Mr. Conway:** My friend the member for Lake Nipigon says the chemistry was not right. I did not know that Grant Devine had played so important and central a role in vetoing the Norm Atkins-Hugh Segal proposal that apparently had moved our friend the member for Brampton off what I had to believe was his initial intention not to run. I was very struck by

the role described for and about the Premier of Saskatchewan in this connection.

I was also very impressed by the internal reaction, as described in this book, within the Premier's camp to the rather extraordinary charges made by the former Prime Minister of Canada, the current member for Yellowhead and the new disarmament spokesman for the Progressive Conservative Party of Canada. This book talks about how, in the quiet confines of southern Florida, our Premier was, to quote the book and Finlay MacDonald, “peevish but restrained;” but the Davis camp was really annoyed about our friend the member for Yellowhead. I did not realize that things got quite as tender as Messrs. Gregg, Martin and Perlin describe in this account.

I must say as well that there is a very poignant description in the book of the Albany Club speech that officially terminated any formal or informal arrangement to bring the Premier of Ontario into the federal Conservative leadership race that produced the Mulroney victory. But I want to give a billing to the book by my friend George Perlin from Queen's, Patrick Martin, and certainly Allan Gregg, who does not need any financial support, given his clientele. I think this is a worthwhile read for the members of the Ontario Legislature. It helped me understand the pressures that have been at work on the Premier during the past eight or nine months.

I must admit to surprise at the extent to which Segal and Atkins upped the ante and almost tripped our friend the member for Brampton into a race that, quite frankly, would have been exciting beyond words had he entered it. I do not mean to insult the extremely considerable, substantial and successful political record of the Premier, but I still cannot believe that he would have pulled it off. I would not bet the family farm on that, but I think his initial judgement was right. I am surprised that the influence of the advance planning group, Camp Associates and others whom we read about in other provincial accounts of recent date, is as significant with the Premier as Messrs. Gregg, Perlin and Martin would have us believe.

**4:10 p.m.**

At any rate, it is a very interesting book. I highly recommend it to the House. The next time I am in the presence of the Premier of Saskatchewan I am going to draw back and think about the power in that toothpick that has made him famous in Estevan. I did not think therein lay such a veto within the Conservative

Party of Canada, but obviously his phone call that Tuesday morning apparently changed the direction of current affairs and, who knows, the history of this country.

**Mr. Kerrio:** The cardinal would know.

**Mr. Martel:** He is chief adviser.

**Mr. Conway:** I do not want to pay much attention to some of the interventions. Having been educated by the Lutherans, I have always been told to keep a focus on what is in front of me. I must say there have been days lately when, having had a Lutheran education to supplement my Catholic education, I felt a little more comfortable because there was at least a choice, under pressure perhaps.

I want to talk about a couple of issues that have been before the House recently. One of the concerns I have had in the years I have been here as a member has to do with the way in which this Legislature tries to discharge its responsibility as an independent body. I have said it before, and I will repeat it now, it is a matter of some chagrin for me that we do not have, I expect among other reasons but principal among the reasons as a result of 40 years and six months of one-party rule—a rule I must admit was commemorated in the public press last summer in a surprisingly congratulatory, adulatory way—

**Hon. Mr. Davis:** I thought it was very modest.

**Mr. Conway:** The member for Brampton imagines everything to be modest. Some of us are not given to have reliance on that word to the same degree as he appears to have found.

At any rate, I have always felt this Legislature has suffered because of the executive dominance, which I think can be explained by virtue of one-party dominance in this province for the past 40 years. I will give credit to the Big Blue Machine; they have won and others have lost. That is the nature of the competitive spirit. I hope I am not going to cry over that. I will fight back; I believe in the principle of countervailing forces under those conditions when there has been so static a governmental situation.

Oh yes, the hegemony has a new leader every 12 or 13 years and I will not enter into the record that marvellous quote the members might have heard from Ma Murray last night on the Canadian Broadcasting Corp. I do not know whether anybody watched that, but Ma from Lillooet had a great line about why we need to change governments every now and then. There was a certain analogy which was perhaps a little inelegant and I am sure not parliamentary.

**The Deputy Chairman:** Let us go right back to the Premier's estimates.

**Mr. Conway:** Mr. Chairman, I could not enter into the record such an earthy analogy, given the elegant frock in which you have adorned this chamber in recent weeks. Suffice it to say, it is a 40-years-and-six-months-old government, one that began before some of us even began; a government that has gone on longer than anything since, I guess, Enver Hoxha in Albania. I do not mean to suggest that is necessarily a parallel, but I think there has to be a greater emphasis placed by the Legislature on scrutinizing what is done on our behalf by the executive council.

I know it is difficult for bright young people or middle-aged people like the member for Oxford (Mr. Treleaven) to press too hard against the executive council. He would do well to follow the example of the member for St. George. He would do far better to spend his time off to the side a bit underneath the press gallery, leaning up against the post every day of his parliamentary week talking to the Premier's political secretary. It worked remarkably well and rather quickly for the member for St. George. I cannot expect the good lawyer from Woodstock would want to deny his prospects.

Unfortunately, we have a system now where the value in being a good, solid member of the Legislature is for too many on both sides of the House a devalued currency. Everybody on the government side wants to be a minister. With the parliamentary secretaryships that are thrown around, most people over there get provided for, but however unhappy we are about it we cannot realistically expect someone like the member for Oxford always to be a vigorous independent spirit in the best traditions of the reform movement in Oxford county. So it is left to some over there who have been discharged, for whatever good or bad reason, and to those of us over here, whose job it is more obviously to push back and to exercise the accountability function, to be that countervailing force. It is in this connection that I have personally monitored with interest the situation in some of the government ministries.

I am going to be specific. One of the issues about which I want to talk today relates to the Provincial Auditor's report on the Ministry of Government Services. Let me say at the outset that I know there are some over there—I do not know that I can include the Premier—such as the Chairman of the Management Board of Cabinet (Mr. McCague), who have been saying



that my interest in these matters owes itself entirely to the electoral calendar, which is, of course, of particular interest to those of us in eastern Ontario.

The Chairman of Management Board has said that my interest in the running of the government, in particular ministries such as the Ministry of Government Services, has a lot more to do with the by-election than it has to do with anything else. I have a lot of respect for the Chairman of Management Board, but I do not think that is at one with the facts. I think the record indicates that it was in late July or early August that I raised my concern about the situation in the Ministry of Government Services.

One of the issues I want to talk about with the Premier in these estimates has to do with the question of who is running the government. I am not completely satisfied in my own mind that we have now closed the book on the auditor's report on the Ministry of Government Services. I note the resignation on Friday morning at or around 11 o'clock of the former Deputy Minister of Government Services, Mr. Alan Gordon, in a letter to the Premier dated on Friday and, of course, the Premier's response to that.

The concern I have had throughout this entire piece has been what kind of enforcement provision there has been of the restraint doctrine within the Ontario government, particularly at the senior levels, throughout the past 18 months, when restraint has clearly been the principal policy offering of the current government. There is no question that restraint is being felt in some other quarters of this province in a way that is real and in many ways aggressive.

On the weekend I met again with a couple of young people in my constituency who are being harassed—and that is the only word for it—by collection agencies representing the Ministry of Colleges and Universities about their student loan paybacks. I have people on general welfare assistance who feel the accounting practice of the Ministry of Community and Social Services is niggardly to the point of being miserable.

**Hon. Mr. Davis:** I do not quarrel with that; but it was interesting that the auditor also said, as I recall, that they were not pursuing it vigorously enough.

4:20 p.m.

**Mr. Conway:** I read that. I thought about it, actually, and I am prepared to say, given the terrible dislocation, social and human, we have all seen in our constituencies in the past 18 months, particularly for those people who are

disadvantaged by this recession, and particularly for those young people who have been thrown out of work, in many cases before they had any opportunity to really establish themselves, that if we have to err on the side of spending a little bit more let it be for those unemployed people who are out of work, out of unemployment insurance and who have no opportunities whatever.

It is my honest impression that in most cases the Ministry of Community and Social Services is vigilant to a fault with hundreds and thousands of people in this province who are at the very bottom of the economic ladder and who have little immediate prospect to correct that difficulty.

It was a matter of grave concern to me to be told and to hear in the summer of 1983, and there had been discussions throughout the confines of this building, that all was not well in the Ministry of Government Services, that there had been some serious difficulties.

I say to the Premier we are not entirely surprised when we hear that. I do not want to be unduly historical, but there is on the public record the commentary of our friend the member for Prince Edward-Lennox (Mr. J. A. Taylor), the former Minister of Energy, who when he left his departmental function complained rather openly about the problems he had. I do not profess to suggest there are no problems, there are problems in any executive council, but to be told by a former Minister of Energy that he was mugged in the corridors of power by people from the Premier's office sets my mind to worry about the whole question of responsible government.

Now we are told that one of Malcolm Rowan's fellow spirits from former days in the cabinet office, Mr. Alan Gordon, was repeatedly and knowingly exercising an override provision with respect to his minister. What I was particularly interested in was the whole question of the Foster contracts. The issue was obvious. The reports have made it clear that the issue was whether or not a \$900-a-day consultant could be defended in the light of the great foofaraw in Ottawa with Jean Wadds and others who are being paid \$800 a day from the federal Treasury which at the same time was offering a diet of public sector restraint.

We read under the conditions of the summer of 1983 that a minister who tried to exercise some control in that connection was discharged, for whatever reason. I do not mean to suggest there were no other factors in the mind of the



first minister. As a graduate student, I spent some considerable time looking in an historical way at the inputs of cabinet formation. While I have not served either as first, second or third minister, I think I know something about the great practical and political difficulties in keeping an executive council together and in reforming it from time to time.

But to have done what he did in the summer of 1983, within much of the public service and some of the political world of Ontario the Premier very much appeared to have taken sides. That was of course the concern I had, that a minister who was trying to restrain public expenditures was discontinued in his cabinet functions and his deputy minister continued unabated. I point out that according to the auditor he violated in a couple of other cases, one of which involved significant amounts of money, the government guidelines as set out in the Ontario Manual of Administration.

The questions that presented themselves and do present themselves to the people of Ontario, to the taxpayers of Peel, Caledon, Petawawa, St. George and everywhere in between are these: "Is there one set of rules for the inner circle of the government of Ontario? Is there quite another set for you and I, the unwashed in the hinterland and outside that circle?" That very much appeared to have been the case.

When the auditor came in two weeks ago and made a report to the public accounts committee stating that in fact that very thing had happened, that there had been a violation of significant proportions in the Telepac matter, the matter in my view was heightened yet again.

One of the problems we have had, and I say this with all due respect, is that throughout all of this the answers proffered by the Chairman of Management Board have been wholly inadequate. The people of Ontario pay a Chairman of Management Board \$75,000 a year or thereabouts to be the general manager of the government accounts. They expect that general manager to behave in a vigilant and a vigorous fashion.

I find it incomprehensible that somebody with the business and private sector experience of our friend from Alliston should daily get up in this House and say: "I saw no evil. I will seek out no reports. I consider my responsibility to be no more than that."

The Chairman of Management Board reminded me not so much of a general manager but of a referee in one of those professional wrestling matches: the referee who gets distracted by

some passing irrelevance while the Sheik is gouging out the eyes of his opponent with some foreign object. This is the kind of imagery of the Chairman of Management Board.

**Hon. Mr. Davis:** How does the member know so much about wrestling?

**Mr. Conway:** I will tell the Premier. One does not grow up in rural, small-town eastern Ontario and not go to those kinds of events in his adolescence. I am quite proud to tell him, and I am sure my friend the member for Lanark (Mr. Wiseman) and others who know something about the rural rhythms of small-town Ontario could report the kind of experiences we used to have with those kind of visiting operations every summer.

**Hon. Mr. Davis:** He always said it was lacrosse.

**Mr. Conway:** We are not into that kind of rough and tumble.

However, I have to tell the Premier, with no good humour intended, that as leader of this government he ought not to tolerate the kind of attitude with respect to the management of government accounts which has been routinely suggested in this session by the Chairman of Management Board.

The people of Ontario just cannot accept that kind of supervision of the \$25 billion of their tax money which they put under the Premier's care for any given fiscal year, using this as an example for those particular purposes. Actually those are the expenditures; the revenues are going to be considerably less than that, something in the neighbourhood of \$22.3 billion. However, the expenditures are going to be roughly \$25 billion, as I understand it.

It is simply not good enough for the Premier as first minister, in his notes for purposes of an address some days ago to the chamber of commerce in Brampton, to indicate he is happy with the record of his government in the management of its accounts, that there has been prudent and rigorous control of public expenditures.

The Premier will know that the Provincial Auditor in his most recent report found all too many examples of misappropriation or, in some cases, even worse. One of the incredible experiences which I have had in the course of my involvement with this Ministry of Government Services case in the last four months was to be told that when the alarm bells go off in the firehall which is Management Board nobody, least of all the Chairman of Management Board, even bothers to send out a fire truck to report on

potential difficulty. I submit this is just absolutely unacceptable, given the restraint doctrine which the Premier continues to offer to the taxpayers of this province.

Of course, last week we were treated to the statement of Secretary of Management Board, Mr. Robert Carman, as to what the new rules and the new spirit on compliance are. I want to reiterate I found more than passing strange the date of the Premier's letter. The Premier's letter is the operative word and quite frankly it should be. I have no quarrel with that at all; I expect that the buck stops at his door.

To be told that the Premier's letter is the policy for compliance with the Manual of Administration is not a great surprise to me. What is a surprise to me is that the Secretary of Management Board informed us at the public accounts committee that the date on the Premier's new direction is within hours of the Provincial Auditor's stinging indictment of the—

**Hon. Mr. Davis:** Actually it was probably two days before.

4:30 p.m.

**Mr. Conway:** I grant the Premier that it may have been two days, it may have been four days; but I want to say to the Premier, as a distinguished member of the Law Society of Upper Canada he knows the reasonable man and woman looking at that might be just a little bit suspicious at what brought on that outburst of enthusiasm for compliance to the Manual of Administration.

**Hon. Mr. Davis:** If it had been two days later you would have been even more suspicious. You cannot win.

**Mr. Conway:** I perhaps might have been but I find it quite remarkable that throughout the whole piece, in the summer and fall, he kept saying, and being reported as having said, "Oh, well, the people at Management Board; Bob Carman, he will clear it all up; there is no question about direction." Bob Carman tells us the Premier has cleared it all up in a letter of November 16, 1983.

I just simply want to indicate to the Premier that there is no question in my mind, on the basis of the record of the public debates in this connection, that there has been throughout much of his restraint period a complete and total vacuum in terms of the enforcement of the Manual of Administration.

The minister in charge of Management Board has indicated that vacuum time and time again. I will not make too much of the statements of

the member for London South (Mr. Walker), who also became a person of some public interest in this connection when it was reported by Joan Walters of Canadian Press some five or six weeks ago that he had over the course of the past number of months and years, in three separate departments, seen to it that untendered contracts of value in excess of \$400,000 went to two of his good friends.

I am going to be cynical here, I am going to tell the Premier that I think we as taxpayers in the province should all get a free copy of Gord Walker's A Conservative Canada, because I say there is a prima facie case for saying we paid for it. We paid for that in about as direct a fashion as we have paid for anything.

I was intrigued to hear, and this was an unconfirmed report, that Colin Brown Sr. in the National Citizens' Coalition Inc. bought up some of the early printing. If that is true I would really like to talk to Colin Brown Sr.; not to mention Colin Brown Jr., who I understand has an involvement—

**Mr. Chairman:** Let me remind the member that we permit as wide a latitude as possible, but there are two things: when we are referring to a member in his ministerial capacity, perhaps you should use that name or his riding, and state how this all relates to the Office of the Premier estimates.

Interjection.

**Mr. Chairman:** That is fine, but could the member tie that to these estimates.

**Mr. Conway:** I thank you, Mr. Chairman. That is a very insightful, useful injunction that I shall make every parliamentary effort to follow, knowing of your keen interest in the sharpest application of the standing orders to these matters, and I thank you again for your helpful intervention.

**Hon. Mr. Davis:** Do you want a free copy?

**Mr. Conway:** I want to say to the Premier that I have a copy; I have two copies. I do not know where they came from; I do not know where one came from, I know where the other came from. I would not want to implicate the learned member of the press who offered me his copy. I just want to say to the Premier we have a member of Management Board stating, "I will give untendered contracts worth \$410,000 to my good friends because, as I understand it, there are no rules prohibiting that and what is more I will do it because everybody else at the Cabinet Office is doing it." Les Horswill was quoted as

saying in the public press, "Ideally, those contracts ought to be tendered."

I want to tell the Premier it is simply not good enough to get that kind of statement of policy from the member for London South, who also serves on Management Board. What kind of enforcement is likely from a group of people who take the attitude to the management of public funds I have described in the cases of the member for London South and the member for Dufferin-Simcoe (Mr. McCague), who is Chairman of Management Board?

The people of Ontario are prepared to abide by his restraint program if they get some sense of fairness and evenhandedness. We members of the Legislature clearly found out a few weeks ago, however unfairly some of the portrayal of that might have been, that we are all expected to live very carefully by the rules we have set for the public beyond this place.

It is simply not good enough to have the Chairman and the Secretary of Management Board indicate they see themselves with no responsibility to monitor and pursue in the ways the auditor has indicated in his testimony before the public accounts committee would be more befitting, given their legislative mandate.

I recommend that to the attention of the House; because if one looks at the legislative framework in which Management Board operates it is clearly given the kind of discretion that ought to have been recognized and used in these cases. I simply note, according to the public accounts testimony of last week, there is now going to be developed within the upper echelons of the public service some means of positive reinforcement with respect to compliance. I want to encourage the first minister to see to it that the letter of November 16 is applied with rigour and with regularity to every single minister in this government, particularly but not exclusively because of the restraint program under which 8.8 million Ontarians are currently living.

I cannot tell the Premier how flabbergasted I am to hear that we had in place a system which expected a violating civil servant—and this is what Bob Carman told us last week, that in the difficulties we were looking at with respect to the Ministry of Government Services the safeguard outside of goodwill was to have the deputy minister report on himself. That just does not ring with any sense of reality in my ears or in the ears of most reasonable taxpayers.

That kind of system, together with the atti-

tude of the Chairman of Management Board and others on the Management Board, is simply not good enough. We are going to expect there will be now applied not only positive reinforcement, but that there is going to be seen a discipline where compliance is not indicated.

I note that the Deputy Minister of Government Services has resigned his responsibility as of Friday. Quite frankly, I am pleased his resignation was tendered and accepted because it has helped clear the air. I cannot and I was not prepared, by-election or no by-election, to live with a situation where we had such an obvious corruption or perversion of responsible government as was indicated in this situation.

The Premier indicated, and I want to touch upon this today, that in the final analysis we have to believe our parliamentary colleagues. In believing our parliamentary colleague the member for Lanark, we could not over here believe the former Deputy Minister of Government Services. There were some very difficult consequences flowing from that failure to be able to believe.

His resignation certainly clears the air in that connection, but not completely. I know the member for Etobicoke (Mr. Philip) has indicated that Mr. Gordon should have been excised completely; he should have no role in the Ontario public service. That is not my view. I wanted him disciplined and he certainly has been disciplined to a point by virtue of his resignation.

I must tell the Premier, sitting at home in Pembroke on Saturday I was annoyed in the extreme to see the kind of champagne celebration so pictorially conveyed in the Toronto Star of last Saturday, married with a statement from the Premier about this offending senior civil servant of 17 years' seniority. We are not talking about somebody who did not know his way around. This man came to us from the University of Waterloo in 1967 at an assistant deputy minister rank and was never at a rank less than that. If we were dealing with somebody who was junior or new I would be prepared to be more generous than I was obviously prepared to be in this connection.

**4:40 p.m.**

There was an awful lot which indicated that Mr. Gordon's conduct in MGS, in the last year in particular, was certainly creating many problems that had to be dealt with.

Can the Premier indicate that in accepting the resignation last Friday morning of the



Deputy Minister of Government Services, he now accepts the public comments of the member for Lanark (Mr. Wiseman), our parliamentary colleague and the former Minister of Government Services, as the truth of the matter with respect particularly to the Foster and Telepac contracts?

I listened to a tape this morning of Mr. Gordon being interviewed on CFTO on Friday evening in which he said that, of course, as far as he was concerned, the resignation admitted to no wrong-doing. I find that, quite frankly, unacceptable in light of the auditor's judgement. We have been told repeatedly by cabinet ministers and others across the aisle that the auditor is the final arbiter in these cases, that he is the outside referee who has the capacity and mandate to adjudicate disputes in this connection.

There is no question, particularly when one reads what the auditor has had to say about the Telepac matter, that there was a violation. He heightens that, and he said himself that no more damning indictment could be written than that report suggesting there was an intentional end run, a wilful end run if the Premier would like, around the sanctions of the cabinet board secretariat.

First, in accepting the resignation of the former Deputy Minister of Government Services, I want to know if the Premier is accepting the version of the the member for Lanark of the Foster and Telepac matters as the truth of those two cases. Second, it has been my view that where there is noncompliance in terms of the Manual of Administration there must be discipline, particularly if it is a repeated and intentional violation. There must be discipline so the right signals are sent out to others in the public service that this kind of conduct will not and cannot be tolerated, particularly at a time of restraint.

I have a question in light of the Premier's comments of Friday, in which he states on page 2 of his press release accepting the resignation that Mr. Gordon will be assigned new duties in the Ontario public service at a later time. Can he indicate today, or in the response to these remarks when he is able to make that response, specifically whether he has any intentions now for that new assignment? Where is it? What is it? Will it involve a demotion in terms of rank and salary?

It is extremely important. I have no desire to be unnecessarily punitive with respect to Mr. Gordon, but I think it is vital that clear and

incontrovertible signals are sent out to the rest of the public service. I would be interested to know whether or not the offending former deputy minister is going to be assigned new responsibilities at the same rank and the same salary, because if that is the case obviously champagne is in order. There is no practical penalty, no definite discipline associated with that kind of lateral transfer whatsoever.

I want to know, and I would appreciate the Premier's response to this, what the new responsibilities are, at what rank and at what salary, expecting from my point of view that it will not be at a deputy minister's rank or salary, based on my belief that there must be positive reinforcement. There must be a clear signal that this kind of action so clearly pointed out by the auditor represents misbehaviour that will not be tolerated.

Further to that, let me simply indicate to the Premier that the time may well have been reached when he is going to have to look seriously at the membership of his Management Board. It may not be good enough. In my view, it is not at all good enough to leave people on the Management Board who take the cavalier view that they can offend the rules as interpreted by their own senior staff.

I am talking now about the member for London South and his assistant deputy minister when in the Ministry of Industry and Trade. The Premier simply cannot expect to have any credibility at all in that general managing function that is surely Management Board's, when apparently he has offending ministers stating that they have no intention of changing their ways, when the Chairman of Management Board does not yet find himself able to reverse himself and say he is going to get proactive.

When the fire alarm goes off in the Management Board office he should at least say he is going to send someone out to report on the nature and extent of any fire that might have begun. Anything less than that is simply not acceptable. I think it is clear from the public reaction in recent days that it will be seen to be unacceptable.

As well, I want to touch upon a couple of subjects that are related to this. Let me say to the first minister that one of the unhappy results of the dismissal of our friend, our parliamentary colleague the member for Lanark, is that we in rural, small-town eastern Ontario now do not have a representative at the executive council. We are not happy about that. To give the Premier credit, the Ontario Progressive Con-

servative Party has ruled for these 40 some years by virtue of tying in at the executive council level to the rhythms of rural Ontario. With the dismissal of the member for Lanark, the Premier has removed the only farm representative from rural eastern Ontario. The squire of Manotick does not count, with all due respect.

**Hon. Mr. Davis:** The member knows a lot about it; I was elected in Brampton when it was almost a rural area.

**Mr. Rae:** It was all trees. It was a wild forest when you were elected.

**Hon. Mr. Davis:** No, but a lot of farm land.

**Mr. Chairman:** Order. The member will direct his comments to the chair.

**Mr. Conway:** Knowing, Mr. Chairman, of your overwhelming desire to be vigilant, even-handed and vigorous in the application of the standing orders, which you drew to my attention about 10 minutes ago, I delight in your calling us all back to order.

The Premier does not have to take my word for it. He simply has to look at the resolutions passed by people like the members of the Leeds, Grenville and Lanark county councils to realize that the folk of rural eastern Ontario are not amused that they now have no cabinet representation to offset, in particular, the misanthrope of the asphalt twins, the Minister and the Deputy Minister of Agriculture and Food, who are creating endless havoc for the life and times of farmers in Renfrew and other reaches of eastern Ontario.

**Mr. Rae:** Stormont, Dundas and Glengarry.

**Mr. Conway:** I do not want to be seen as forever pandering to the activities of a by-election. I think it is an issue in the by-election to an extent—and let me be candid; I have gone through many elections and many by-elections wherein it has been suggested one has to vote for the government candidate because the government candidate is an entrée into the sanctum sanctorum of decision-making at Queen's Park, that he is a conduit to the Premier's office itself. Why bother with a nattering nabob of negativism in the opposition when one can elect a government man or woman and have such a close, personal, working relationship with the potentate of all politics at Queen's Park, the Premier himself?

4:50 p.m.

As he returns in 36 hours to the homeland of James Pliny Whitney, John Sandfield Macdonald and the late Osie Villeneuve, a great and

historic part of Ontario, home as well, almost, of the member for Cornwall (Mr. Samis), I want to say to the Premier it does not do much for the argument of electing a government member when the reality of March 19, 1981, is, among other things, that the Premier takes a \$650-million position in an oil company without consulting 66 of the duly and newly elected members of his government caucus; when he has an eastern Ontarian defrocked as Minister of Energy because, by his own account, his senior mandarin in his own office interfered and the Premier's hirelings made his departmental responsibilities impossible; when he has a fine, upstanding Conservative from Lanark put in a hopelessly compromised position of the Premier's making as of July 5.

What good is it, they ask me in Pembroke and Williamsburg and Bainsville and Manotick, to elect a government man when the top man himself pays not a whit of attention to their advice on a variety of matters and seeks it not at all on major undertakings of government policy?

**Hon. Mr. Davis:** That is not quite accurate.

**Mr. Conway:** Well, you will have your chance.

**Hon. Mr. Davis:** I will use it, too, because I can recall some things you said about the former Minister of Energy that aren't totally consistent with what you say today.

**Mr. Chairman:** Order.

**Mr. Stokes:** Which point of view do you agree with?

**Hon. Mr. Davis:** I have my own, but there are some very good quotes there.

**Mr. Conway:** I must say in all seriousness—and I have never raised this with the Premier—I have seen some of his use of my quotes. One I well remember in the 1981 election speech he made in Kingston, which was reported widely, suggesting that I had somehow failed to support and was opposed to the transfer of the Ontario health insurance plan offices to Kingston. We have a word for that in Renfrew county and it is not parliamentary. I was annoyed in the extreme. I do not know which mole in which of the oak-panelled corridors of his office discovered that fact, but I was annoyed then and I am still annoyed because that just ain't the truth.

I hope that kind of difficulty will not be created again. I am quite prepared to say that my eight and a half years as a member in this place are littered with a variety of situations in which, if offered a chance to comment upon them now, I perhaps might not choose the same syllables. But in that particular instance I might

warn the Premier that I hope when he seeks to represent my views he will do so with some effort to tell the truth, because the truth was not told in that connection. I felt it quite beneath the—

**Hon. Mr. Davis:** Maybe we could reach an understanding if you do the same.

**Mr. Conway:** I am quite prepared. I appreciate any specific evidence you have where I have deliberately or clearly misrepresented reality as you have described it. I would be delighted to see the list, if it exists. He says it is long and perhaps loud.

**Hon. Mr. Davis:** I said nothing about loud.

**Mr. McClellan:** You can tell this is going to be a high-level debate.

**Mr. Conway:** Well, the people of eastern Ontario are not amused about having been shut out from the cabinet office and from that level of decision-making as a result of the Premier's actions in early July of this year. They are not amused to be told in eastern Ontario that they have to live with less, that they have to make the same go a greater distance, when they see people like Donald Martyn and Gwyn Williams lined up at the public trough and into it with both hands and feet, apparently, with no apparent sanction for that kind of self-indulgence.

There is, as I have said before, the impression abroad in the land, my part of it in particular, that there is one law for the taxpayer and another law for the friends of the Conservative Party. The auditor himself pointed out in his most recent report that there are relationships that are too close, that Tom Scott and Foster Advertising cannot help getting the multimillion-dollar business of government advertising accounts by virtue of the kind of framework the government itself has struck. There is very much the appearance—and in some demonstrated cases the reality—that the family compact is doing very well indeed while the body politic is struggling under the five per cent rule.

I would like to move briefly to a couple of other subject areas. I know the member for York South (Mr. Rae) is interested and anxious to involve himself this afternoon in the debate. I made a commitment to his House leader that I would leave him some time and I intend to do that.

**Mr. Rae:** That is very kind of you.

**Mr. Conway:** It is indeed very kind of me, given the fact that reciprocity has not always been offered in other connections. However, I

respect entirely the desire of the member for York South to involve himself.

There are a couple of areas where I think the Premier certainly has to take an initiative. I might begin by saying we know, as of May, the Premier's decision to stay in the world of provincial politics. We hear from my friend the member for St. Catharines (Mr. Bradley), via the *Cobourg Daily Star*, accounts that indicate he plans a spring 1985 election to take into account the maximum publicity he and the government can gain from the bicentennial, the papal visit and the royal visit. That is from no less an authority than my friend and colleague the member for Ottawa South, the Minister of Municipal Affairs and Housing (Mr. Bennett). The minister said that in the great burgh of Roseneath but two weeks ago.

**Hon. Mr. Davis:** I heard that he indicated he may not have said it. I just quote what I heard.

**Mr. Conway:** The Premier will have his chance.

Some of us who are pristine in these matters imagined that the papal tour, the royal tour and the bicentennial of the member for Scarborough East (Mrs. Birch) would be nonpartisan. Now we have the member for Ottawa South suggesting it is all a grand plan quite to the contrary. At any rate, the Roseneath speech would indicate the member for Brampton is going to be around to lead the charge of whatever brigade in about 16 or 17 months hence.

Given that that is the latest intelligence, can the Premier confirm or deny in his remarks during these estimates that Dr. E. E. Stewart will very soon be leaving the Ontario public service to become chairman of Ontario Hydro? I think that is a very important report that deserves some prime ministerial confirmation or denial. Since there is great public interest from a personal and a policy point of view in the operations of that great utility in charge of the people's power in this province, can the Premier indicate authoritatively in his response to these remarks whether or not rumours and reports to the effect that Dr. E. E. Stewart will soon become the new chairman of Ontario Hydro are accurate reports? I would like a definitive response in that connection.

**Hon. Mr. Davis:** How many hours would the member like me to take?

**Mr. Conway:** A yes or no answer would be useful and timely. Unfortunately, I do not count on it, but I expect even the Premier, after 24



years and seven months of parliamentary baffle-gab, could get himself to utter at least that much on that question. Is Ed Stewart going to be appointed or is he not? If he is not going to be appointed, can the Premier indicate when he expects to fill that vacuum in terms of an appointment? He may indicate that the acting chairman, Mr. Nastich, will be confirmed in a more formal way.

I gather in the press over the weekend there were some statements about our Ombudsman. I would also like to know whether or not—

**Hon. Mr. Davis:** Whether or not what? I am interested.

**Mr. Conway:** I have always said in this business one has to be able to take it as well as give it. I will score one for the Premier in that silent aside. I have one of my own I might offer very privately.

**Mr. McClellan:** The line forms on the left.

**Mr. Rae:** The polls cannot be that bad.

5 p.m.

**Mr. Conway:** I must say I am with Gérard Pelletier on some of these jobs. Some I am interested in, others not at all. I would like to know what the Premier intends to do in that connection.

**Mr. McClellan:** Does the Premier have any application forms?

**Mr. Conway:** I want to say to my friends in the New Democratic Party that I would not want to see any great enthusiasm over there for some of this, although I can imagine the member for Bellwoods would make a marvellous Ombudsman.

**Hon. Mr. Davis:** Let's put that to a vote.

**Mr. Conway:** If he wishes my nomination, I am quite prepared to offer him up as Ombudsman.

Now that we have the statement of the Minister of Municipal Affairs and Housing that the Premier is going to be around for at least the next year or perhaps a little longer, we over here expect he will forget the federal scene as he has clearly forgotten it for the time being and interest himself in the leadership responsibilities that have been his for the past 12 years and some months—13 years in six weeks, if my memory serves me correctly, or eight to 10 weeks—and deal with some policy questions that clearly have not been very well resolved.

It is well known that my friends in the NDP deserve credit, and particularly the member for Nickel Belt (Mr. Laughren), as do my colleagues the member for London North (Mr. Van Horne), the member for Rainy River (Mr. T. P. Reid)

and the member for Halton-Burlington (Mr. J. A. Reed), to name but three, for addressing attention to the critical condition of our Ontario forests and the forest-related economy.

I had discussions with senior forestry specialists in this country as recently as three or four weeks ago. In one case it was reported to me that the Brampton charter commitment of 1977 is an unhappy and painful joke that bore no relation to reality then and bears no relation to reality now, six years later. I simply ask the Premier to involve himself in making good a commitment that he campaigned on some six years ago, which was to oversee the regeneration of the vital forests in this great province.

I can never forget, and I am sure the member for Lake Nipigon (Mr. Stokes) and the member for Bellwoods will recall, the night the member for Sudbury East (Mr. Martel) was in the House with the late member for Leeds, James Auld, who was minister. Can members recall the night the member for Sudbury East wanted to enshrine the two-for-one provision of the Brampton charter in the Crown Timber Act? My God, there was more chaos over there and to my left than I have ever seen on any other occasion. The Brampton charter was just so much puff and politics. "We cannot legislate two for one," it was said, and the reasons given were as colourful as they were irrelevant.

In my part of the province and in the great north of Ontario, the devastation of the forest resource is creating uncertainty and economic dislocation that has to be dealt with. I would like to see the Premier, as the author of the Brampton charter, exercise a far greater control in that connection than he has indicated. He ought to be concerned that outside experts see the Brampton charter commitment of two for one as a promise that has totally not been lived up to, a joke in terms of his current management ethic. It was suggested to me by a consultant that Ontario has at the senior level some of the most out-of-date attitudes in terms of the management of our forest resources of any the provinces in the whole of Canada. That concerned me a great deal.

I have a forest research centre in my great constituency. On occasional visits there I am told that Ontario has a lot of catching up to do, not only in terms of regeneration but also in terms of management attitudes. We have miners in charge of our forest policy, not managers, not people who are prepared or interested even in planning for forests of the 1990s and the 21st century.

About agriculture, let me say the Premier has there a difficulty that is obviously going to be responded to. I was told the other day—and I believe it, because the source is almost impeccable—that Darcy McKeough's alter ego, the former head of the budget office, Duncan Allan, has outlived his usefulness after 18 months in the Ministry of Agriculture and Food. One half of the asphalt twins will be broken up and Mr. Allan will be assigned new duties early in the year 1984. All I can say is that I have dealt with Mr. Allan on a number of occasions. I will remember the day he came to our caucus in haste in March or April of 1978, clutching the Davis compromise on the Ontario health services insurance plan. My old friend Harold Greer and the late leader of the Opposition and I sat down with Mr. Allan—

**Hon. Mr. Davis:** Is Harold Greer really a friend of yours?

**Mr. Conway:** I must say that Mr. Greer and I worked on that initiative very closely.

**Hon. Mr. Davis:** You did not answer my question.

**Mr. Conway:** Of course he is a friend of mine. I know he is a close friend of the Premier. It is not mentioned in the Contenders, but there are an awful lot of people mentioned in the Contenders who I see give independent analysis on my CBC, my public radio service. I am going to have to write Mr. Gzowski another letter so that these highly paid consultants who are the inner advisers to the Premier of Ontario are not offered up as some kind of independent point of view on public policies. That story about Dalton Camp in there, too, is water under the bridge.

**Mr. Stokes:** What about Eric Kierans?

**Mr. Conway:** The member for Lake Nipigon says, "What about Eric Kierans?" I say, what about anyone? If Mr. and Mrs. Stephen Lewis can be on morning after morning, month after month, I think Mr. Eric Kierans, giving as he is the massive lectures at the University of Toronto, has a place in that sun as well.

I want to say to the Premier that the agricultural policy of this province is in a very bad state indeed. When the asphalt twins took over the deputy minister said all he could determine after looking at the books was that there was no policy at all. Members can remember that. I will supply the relevant quote if it is not handy. I am sure it is in the Treasurer's book.

We have had the deputy minister saying in recent days that there has been no recession in agriculture, that many of the people in the red

meat industry perhaps would do well to find alternative employment. There are people in the ministry who do not know about the existence of a broiler chicken industry in far eastern Ontario.

There are people in Stormont, Dundas and Glengarry who are bitterly concerned and complaining about the disproportionate allocation of funds in places like Lambton, where there were more funds allocated for tile drainage in one particular year a few years ago than there has been allocated for most of the eastern county in that same year. It is a complete imbalance that has not been corrected by the visit of the member for Don Mills (Mr. Timbrell) in recent days when he just accidentally happened to be in Avonmore making a variety of deathbed repentances.

Farmers in Ontario are not amused that there has been no one of the executive council who has been able to take up the mantle and clout of the former member for Middlesex, Mr. William Stewart, who for all his enthusiasm—some of it misguided, my colleagues tell me—had clear ability to get some inside influence for agriculture in his early administration. It is now known to just about every farmer that the current pair, the asphalt twins, are badly out of whack and do not appear to have either a very good grasp of or any kind of response to the problems of agriculture.

About education, let me just say to the Premier that I have the great responsibility and the recreational joy of being associated as a critic for Colleges and Universities, which brings me from time to time into contact and sometimes conflict with the redoubtable member for York Mills (Miss Stephenson), a person for whom I have a genuine affection. I have said that to her; so there is no need to write this down.

**Mr. Rae:** I knew that love was blind, but I never knew it was that blind.

**Mr. Conway:** I will remind the member for York South of some of his associations in a moment, if time permits. I do not want to talk much longer.

**5:10 p.m.**

In terms of education, and in particular matters relating to university policy and post-secondary education, we have a vacuum that is just beginning to become all too apparent to many people within the community, most of whom the Premier knows well from his long

years as Minister of Education and Minister of University Affairs.

One of the things I keep being asked by people at the university level in particular is, who sets the policy? My friend the member for St. Catharines (Mr. Bradley) was on his feet 10 days ago asking the Premier about the college of education matter, which is of great concern to teachers in this province. He elicited from the Premier a decidedly different and happily much more moderate posture than that normally associated with the minister herself.

In her estimates debates, both in terms of Education and Colleges and Universities, the minister was quick to point out a number of cases, particularly separate school financing, about which a number in the hierarchy and many of us below are anxiously awaiting some kind of indicator about new adjustments, new policies, and yes, new moneys.

However, in terms of separate school policy and other matters in Education and Colleges and Universities, there seems to be very much the impression that the Premier is exercising an override on a number of those cases and that the minister herself is more routinely now than ever before referring to the Premier as the man who is most involved in the discharge of a given education or education-related policy.

If this is the case, and the record should show the first minister nods his head in the negative, I say to him—

**Hon. Mr. Davis:** You have to shake your head in the negative. You do not nod your head in the negative.

**Mr. Conway:** That is a good point. If the Premier is as direct on some of the other points I will be very happy indeed.

However, in terms of universities, the Premier will recall his response three years ago to growing complaints from university presidents and others with a vital interest in post-secondary institutions, particularly the universities, who came to him and said things were getting very bad indeed. He responded to that concern by striking a blue ribbon panel, which was co-ordinated by Dr. Harry K. Fisher, Deputy Minister of Education.

That blue ribbon panel's final report to the Premier in August 1981—there was a preliminary report—was an absolutely clear presentation of the problem, of the challenges and of the options. The one point that Dr. Fisher et al stressed to the Premier as the man who asked for the report and as the man who helped build much of the expanded system, was: "Please do

not muddle through. We cannot afford at any calculation that kind of procrastination, that kind of old 'tomorrow' politics."

I have to say to the Premier that it concerns me very much, not only as a critic of the Ministry of Colleges and Universities but also as someone who, like so many others on both sides of the aisle here, has a real and, I believe, ongoing interest in the activities of our great universities in this province, that nothing has been done to respond to the vital policy questions raised in that report.

I simply have to tell the Premier that kind of policy vacuum cannot be tolerated if our education and economic prospects are going to be improved for the latter part of the 1980s and well into the 1990s. I invite the Premier to indicate in his response to these remarks that there will be a statement from him, as leader of the government, as to what he intends to do about ensuring that the 15 or 16 Ontario universities will have adequate financing and a good sense of the direction in which he expects them to take us all into the 1990s.

On Friday I spent some time with my friend a member for Hamilton West (Mr. Allen) at that great liberal arts university in Peterborough.

**Mr. Stokes:** Yes; you were an hour and a half late.

**Mr. Conway:** I was an hour and a half late. That is right indeed.

**Hon. Mr. Davis:** I call it a general arts university.

**Mr. Conway:** The Premier can call it that; I will probably agree. I just say to him that there is grave concern in universities like Trent, which have had a very good relationship with previous first ministers in this august jurisdiction of ours, that they are being threatened very immediately and very seriously by the lack of clear policy and by the lack of any reliable funding formula that had been long since expected from his government. That kind of policy vacuum, that kind of lack of direction, that kind of lack of action from the Premier on the management of public accounts, on the direction of our resource policy for the 1980s and 1990s and on the critical questions of education cry out for his involvement and his address.

Yes, we are pleased to know the Premier stands foursquare for the Toronto Argonaut Football Club, and we are delighted he has met with success in that connection. However, many in this province who have a vital economic and social interest in our forests and in our universities



would like to see the same measure of commitment and enthusiasm from him in those areas as he has demonstrated in others.

Yes, indeed, we in eastern Ontario are interested to see what prospects there are for a dome in the great reaches of Metropolitan Toronto and Brampton. But that does not mean we are prepared to live with the diet of neglect that leaves us with a traffic hazard on the national capital thoroughway, the like of which the Minister of Transportation and Communications (Mr. Snow) is dishing up.

People in my part of the province, for whom hunting and fishing is a vital interest, have very little confidence in his ability to run the government in general if he cannot run a moose lottery. We expect to see an abler and a more vigorous administration of those kinds of resource and educational issues. As I resume my seat, I want to tell the Premier that—

**Hon. Mr. Davis:** I have made a point to check particularly on the moose lottery.

**Mr. Conway:** I want to tell the Premier that in my part of the province, in places like Killaloe, Rolphoton and Deux-Rivieres, if one cannot run a moose lottery one is not considered able to run very much indeed. I tell the Premier, he wants to talk to his friend the Minister of Natural Resources (Mr. Pope).

I have not been in to see my friend Clarke Rollins in Bancroft recently, but I can just hear Clark on the subject of the foulup of the moose lottery. Clark is very typical of that kind of rural spirit and he, like so many of the rest of us, has a genuine want of confidence in any government that cannot run a moose lottery.

I say to the Premier, the record speaks for itself; he fouled up and mixed up and otherwise failed in the moose lottery for this year.

I want to simply say that I appreciate the Premier's indulgence in these remarks. I would be very interested to know, in summary, what he intends to do with Mr. Gordon. Is there going to be a new assignment in the very near future? What is it? Where is it? At what rank? And at what salary, I might add?

What specific undertakings is the Premier prepared to give us in these estimates that there is going to be a positive prime ministerial reinforcement in terms of noncompliance, with the spending failures of certain senior people and others not so senior in his government?

What undertaking is he prepared to give us that the Management Board will begin to take seriously its legislative mandate and its political

function to be a true-blue manager of the government accounts?

What particular information can he give us with respect to confirming or denying the appointment of Dr. E. E. Stewart to the chairmanship of Ontario Hydro?

Can he indicate in general and specific terms, on the eve of the winter break of this session, what specific undertakings he is prepared to give us on critical questions of resource policy and economic development that will begin to deal with many of those structural problems I have identified in these remarks and that are well known to him on the basis of questions and comments from members of this party over the course of the past two months?

**5:20 p.m.**

**Mr. Rae:** Mr. Chairman, I do not know how the Premier would like to do this, but he may recall that last year I expressed a preference to be able to go on a shorter question-and-answer format and deal with one subject matter at a time rather than cover the expansive waterfront from moose lotteries through resources to education to Mr. Gordon and back again, which was followed by my friend the member for Renfrew North (Mr. Conway).

I would appreciate it if I could simply put some questions to the Premier very directly on the most recent controversy surrounding Mr. Gordon and our colleague the member for Lanark. Perhaps I could simply ask the Premier if he would answer the question that I think was put to him directly at one point in the proceedings by my colleague the member for Renfrew North, the deputy leader of the Liberal Party.

I preface it by saying that in our view the letter Mr. Gordon wrote to the Premier on December 2 and the Premier's answer do not really resolve the question that is still on our minds; that is whether the Premier has in a sense decided whether it is the account of the deputy minister, Mr. Gordon, or whether it is the account of the member for Lanark with respect to those two contracts that were the subject of such controversy which he himself believes. If he is not prepared to answer the question, I wonder if he would tell us why he is not prepared to answer.

**Hon. Mr. Davis:** Mr. Chairman, I understand the leader of the New Democratic Party is unable to be here Friday. What I suggested while he was still out of the House was that he might raise the issues he would like to raise—I have made a note of the questions raised by the

deputy leader of the Liberal Party—and I would make a note of all of these. If the member is not able to be here Friday morning, I can refer to them and one of his colleagues or others could communicate them to him. I thought this might be the best way to accommodate the concerns the member has on Friday morning.

**Mr. Conway:** Mr. Chairman, on that point, I had understood we were going to do the general waterfront and then go back to specific questions. I am sorry if that was a false impression.

**Hon. Mr. Davis:** That was my understanding, so why does he not raise—

**Mr. Rae:** Far be it from me to challenge the understanding of those two gentlemen with respect to this matter.

**Hon. Mr. Davis:** I understood it was the member's.

**Mr. Rae:** I do have an engagement in Chesterville on Friday. I am sure the Premier will appreciate that Chesterville is a town that assumes greater importance as we approach December 15.

I have some other questions I would like to address to the Premier that have to be clearly established. The first is simply to say to the Premier with respect to the remarks that have been made by the deputy leader of the Liberal Party that those are questions with respect to the management of provincial expenditures which have to be answered. I do not think they have been answered or settled by the letter of resignation by Mr. Gordon.

If anything, the letter itself raises some questions. For example, I find it somewhat strange that in his letter of resignation Mr. Gordon would say, "I wish to submit my resignation effective at the time and under the conditions which you deem appropriate for all concerned." That would indicate to me, and I think Mr. Gordon confirmed it in some interviews, that as far as he is concerned there is no problem from his point of view with respect to his conduct and there is no problem with respect to any statements he made before the committee.

I say to the Premier that does not settle the issue. I think he knows exactly what I am talking about. When we have two very clearly conflicting accounts from the deputy minister and the previous minister, we in this party feel those conflicts have to be resolved. It is not enough for the Premier to say he is not aware of exactly what is going on or that he is not fully cognizant of all the conversations and statements that have been made. He has to become aware and

become cognizant of them, as I am sure he is by this time.

I and the members of our party expect to have a resolution of this matter and some clearer statement from the Premier's office with respect to the different statements and accounts that have been given of certain events. In particular we need to know, and the Premier has to address this question, was the minister aware of the contracts or was he not aware? If he was aware, when was he aware of the contracts and by whom was he made aware of them? Those are questions which simply have to be resolved.

Personally, I feel the member for Lanark himself could go some way to clearing the air by answering those questions but, in the event he is not disposed to answer those questions in detail, I think it is the Premier himself who has to resolve the issue because I do not think it is one that has been settled. I think it is one that still remains outstanding.

I would say to the Premier that as an exercise in accountability, the answers we have received from the Chairman of Management Board with respect to the contracts which appear to have been allocated and authorized by the then Minister of Industry and Trade also leave something to be desired. I would put it this way to the Premier: it is all very well for one group of people, one minister, to say that is the responsibility of the auditor, for the auditor to take it upon himself to make a report and then say that it is not his responsibility to enforce those decisions; but from a political accountability point of view, that is obviously completely and totally unsatisfactory.

At some stage the government has to take political responsibility for the fact that things have gone awry in government spending and in the allocation and awarding of certain contracts. If there has been a breach of the practices as set out in the Manual of Administration, I do not think it is good enough for anyone to say, as I heard the Premier say, that 99 per cent of the time there is no problem. I would suggest that could be true of many people who appear in our criminal courts who say, "I did not do anything wrong 364 days of the year and now you are singling out one day and you are taking that one day and you are deciding I did something wrong." I would suggest to the Premier that is the way the system operates.

I say to him with all respect, if there has been a breach of the Manual of Administration, and if there has been a breach in terms of the failure in the case of the Minister of Industry and Trade to

seek a tender for contracts that were in excess of a certain amount of money, then I suggest to the Premier that he has to deal with that issue and it is not enough to simply say the auditor is looking at it and the auditor is going to deal with it. If there has been a problem then I believe it is up to the Premier to resolve the problem and to state very clearly and very specifically exactly what the government intends to do to see that the Manual of Administration is followed and that the findings of the auditor have some teeth and have some meaning.

The whole question of responsibility is one that was raised again today dealing with the problems of the expenditures of the Solicitor General; and always we get the response—and I find it interesting—from cabinet ministers saying, “You want us to name names of civil servants and we are not going to do it.”

No one in this party has suggested we go around naming names of civil servants. What we have suggested is that ministers have to start taking responsibility, and more clearly taking responsibility; and if they are not prepared to, then the Premier has to take responsibility for those areas where spending is out of control, where spending has not been carried out according to the requirements of the Manual of Administration and where it has clearly broken down.

I want to ask the Premier to address the question of Hydro. I too would like an answer to the question dealing with the future appointment to the permanent chairmanship of Ontario Hydro, but while I am relatively new here I think I can honestly say I do not anticipate an answer to that question from the Premier. However, I do want to address to the Premier something he said in the House on Friday with respect to Hydro because I think again it touches the key question of accountability.

The Premier will be aware that in the course of the examination of crown corporations the auditor had this to say with respect to crown corporations and the ability of this Legislature to get at them. I would like to read this into the record because I think it needs to be responded to by the Premier.

Quoting from the auditor on page 125: “There is currently no process under which the annual operating budgets of operational agencies which are completely self-funded are subject to review and approval by either government or the Legislature. Major examples of corporations in this category are Ontario Hydro, Ontario Lot-

tery Corp., Urban Transportation Development Corp. Ltd. and the Niagara Parks Commission. 5:30 p.m.

“Additionally, for these self-funded agencies there is no requirement whereby either the government or the Legislature receives information as to the efficiency of their operations or how well they are meeting their objectives. Confusion results, hence clouding the accountability issue when different agencies have similar and overlapping mandates or where their mandates overlap those of the ministry in part.

“Uneconomic and inefficient use of resources can also result from this type of a situation. For example, one of Ontario Hydro’s purposes as set out in its memorandum of understanding is the provision of energy conservation programs to encourage the safe and efficient use and the conservation of all forms of energy. At the same time, the description provided in the estimates for the Ministry of Energy’s \$28.9 million energy conservation program is to reduce the rate of growth and demand for energy by inducing efficient and nonwasteful energy utilization.”

This subject matter was raised by my deputy leader the member for Port Arthur (Mr. Foulds) on Friday. I will quote from page L-1040-2 of the Instant Hansard, which is now available to us.

“Hon. Mr. Davis: I am trying to convey to the member in terms of the information, in terms of Hydro’s planned financial expenditures and planned revenues, in terms of all the information that ‘a select committee would have available,’ that information by and large is available and has been available through the submissions to the Ontario Energy Board.

“Mr. Foulds: Nonsense, nonsense. That is just not right.

“Hon. Mr. Davis: I have seen some of the material. That information is available for debate here in this House if members wish.

“Mr. Foulds: The energy board said otherwise.

“Hon. Mr. Davis: No they did not.”

I would like to ask the Premier if he would have a look at the report in 1982 of the Ontario Energy Board. I see the Deputy Premier (Mr. Welch) is here. At that time he was the minister responsible for Ontario Hydro in this Legislature. He will know that counsel to the energy board, Mr. Donald Rogers, made a number of important comments. He challenged Hydro in several significant areas in the course of that hearing.

In particular, the board said, and I am quoting from page 97, Mr. Rogers’s final argument to the board: “However, it is important to recognize



that of the total gross revenue requirement of \$4.2 billion, over 50 per cent consists of costs which cannot be thoroughly examined. It is submitted that this should be brought to the minister's attention in the board's report."

Again, if I can go on, because I think it is important to say this—this is not the New Democratic Party speaking, this is not the Liberal Party speaking, this is the counsel to the energy board who is speaking with respect to what information the energy board has when it deals with the question of a rate increase:

The Premier knows full well that the whole question of Hydro's capital plans and Hydro's capital expansion cannot be looked at by the energy board. It does not have the jurisdiction to do that. That jurisdiction has been specifically refused it. Therefore they do not have that information, and therefore they cannot consider those questions when they are dealing with the question of a rate increase.

So when the the member says, "The energy board said otherwise;" and the Premier says, "No they did not," and when he says that they have the material, I want to suggest to the Premier that he goes back and has another look because, in fact, the counsel to the energy board is saying quite the contrary.

Counsel to the energy board said: "Hydro is plagued with excesses, including generating capacity, heavy water and heavy water capacity, western Canadian coal, oil, uranium, nuclear fuel, land and possibly people. The board has not been able to examine many of these areas of concern due to claims of commercial confidentiality."

In a final argument of the board, Mr. Rogers, counsel of the board, went on to say: "Capital expenditures seem to be increasing at an alarming rate and a more detailed examination of Hydro's control system should be undertaken at a future hearing." That did not happen. "Also, operation, maintenance and administration costs, particularly wage rates, are rising much faster than the forecast rate of inflation. Ontario Hydro is faced with very rapidly increasing capital costs in all phases of its business. This is perhaps most dramatic in the large generating projects such as Darlington. The same phenomenon is likely occurring at the lower levels of the organization although they are not so visible.

"There does not appear to be any mechanism which would trigger a re-evaluation of the need for a capital expenditure when a change in escalation factors causes the forecast cost to rise. This is left to management judgement."

That is the problem. The problem is that at the moment—and the Premier knows this because he himself, I am sure, has had to take a very personal interest in many of the decisions surrounding Ontario Hydro—there is no opportunity in our system to have an independent review of the capital plans of Ontario Hydro.

The Premier knows those questions are the exclusive prerogative of Ontario Hydro and the only place where anything can be reviewed or changed, as the Premier knows, is in the executive council of Ontario itself. But that is not done on the basis of any review carried out publicly nor on the basis of any independent assessment. It is done on the basis of certain decisions taken by the executive council for whatever reasons it may choose to adopt them.

What we suggested on Friday, and what I would suggest again to the Premier today, is that he should talk to people in business—I am sure he is having dinner with them very frequently from what I see on Rogers Cable TV—and ask them seriously how they feel, as I have done, about what is happening at Ontario Hydro. He should ask them about their concerns over Ontario Hydro's capital expansion; whether they think that capital expansion is necessary in the way it has been proposed and whether it is something the province can afford to take on at the present time. He will find a great deal of well-rooted and deep-seated concern.

Let me give the Premier one example. I was in Kenora—I am saying this not because the Minister of Northern Affairs (Mr. Bernier) is here but it is an example that comes to mind. The minister will know perfectly well that Boise Cascade has been planning and has yet to make a final decision on a major refurbishing of the paper mill in Kenora. The Premier should know that when I was through the mill in September in connection with our forestry task force I saw the model of the reconstruction of the mill. The model alone cost \$1 million. The minister has seen it, he knows the one I am talking about.

I asked the manager of the mill, "What are the main concerns holding you back?" He said: "Do you know what I am concerned about? I am concerned about the size of Hydro's debt. I am concerned about the potential energy costs, because the new thermal operation is going to be much more energy intensive and I am very concerned about how we are going to end up paying in terms of energy costs if we go the route Hydro wants us to go."

I do not believe this was a supporter—although he could be; I did not ask him—of the New

Democratic Party or of the Liberal Party. I do not know. I see the member for Niagara Falls (Mr. Kerrio) is here; this is a subject of concern to him.

That is a concern being expressed by people who are in a position to make a major decision concerning capital investment. One of the concerns holding them back, and I do not think this is confined simply to them, is the very real question of whether or not the energy path plotted by Ontario Hydro is the path which makes the most sense from an economic point of view.

I see the Premier shaking his head. I know a lot of decisions have been taken and a lot of people have a stake in those decisions. I have never been one to attack the nature of public power or a public utility. Public power has been a vital institution in Ontario and the control of public power is essential to this province.

**Mr. Kerrio:** Do you think it is here to stay?

**Mr. Rae:** More than does the member for Niagara Falls. He called for selling it off to private enterprise. That was the position he expressed in the *Globe and Mail* some time ago in an article I saw.

**Mr. Kerrio:** I am not embarrassed about that.

**Mr. Rae:** Let that be the record of the Liberal Party in terms of where it stands on Ontario's energy. They believe it would be better run if General Electric and Westinghouse took it over and ran it.

**Mr. Kerrio:** Mr. Chairman, on a point of personal privilege; this is pretty important. I am sure the leader of the third party said it a little facetiously. I was talking about small projects which I thought Hydro could not run but the private entrepreneur could. I was very specific and I hope the leader of the third party would accept what I said as gospel.

Interjections.

5:40 p.m.

**Mr. Chairman:** That is a point of information. It is not a point of personal privilege.

**Mr. Rae:** I did not intend to cause yet another split in the Liberal Party or another change in their position. All I can say is I read the article in the *Globe and Mail*. I did not see all the qualifications on the particular quotation the member says he now has. However, since he has expressed them, far be it from me to wish to differ.

Nevertheless, I say to the Premier I think it is time this government and this Legislature had

an opportunity to look seriously at the capital expansion plans of Ontario Hydro and the impact those plans will have on energy costs. In particular, I think it is important for a committee of this Legislature to be able to look at the implications of the tube replacements and the breakdown at Pickering unit 2 and what they have for cost in the rest of the system. It is important for us to take a hard look at what alternative energy paths would make more sense.

Hydro is planning to build a line that goes from Lennox Generating Station to Ottawa. It will be going right through the Rideau lakes, along Highway 15. The Premier is well aware of the lines that are being proposed. They are two extremely large lines in terms of towers that Hydro plans to put up. Hydro is doing this on the grounds there is the prospect of an electricity shortage in Ottawa.

We are told by Hydro out of one side of its mouth that there is going to be an electricity shortage in Ottawa. The potential could be there. They show all the reasons; such as if this breaker goes and that thing breaks down and there is a storm here and then this falls apart we might actually have brownouts. That is the political basis on which Hydro has been operating in trying to sell the line.

At the same time, the Premier should be aware, and I am sure he is aware, that Ottawa is one of the five areas in this province that has been singled out by Hydro as the focal point for its advertising campaign, "Go electric." At the same time that Hydro is saying there is going to be a tremendous electricity shortage, it is also doing everything it can to flog electricity to the residents of Ottawa.

That is the contradiction we are seeing; that is the contradiction that is there. The contradiction is that we have the ads that are being put out by the Ministry of Energy—and I see the former minister here. He is getting a little agitated by what I am saying. I remember so well the "Preserve it, conserve it" ads that came from the Ministry of Energy. One could not go to the back of a bus without seeing 25 energy ads. Then there was the dog that barked. Every time one wanted to turn the light on, it would say, "Off, off, off." Now what do we have? We have the talking furnace.

We have a utility that is in the business of flogging electricity. Why are they flogging electricity? The Premier knows the reason. They are flogging it because the only way we can keep rates at an even moderately affordable level in



this province is if the volume of electricity use goes way up so we can pay for the immense capital costs reflected in the cost of the nuclear stations, including Darlington.

I suggest to the Premier that is the hard fact. We now have a utility that has a built-in stake, not in conservation but in increasing use. We have a utility that has flown in the face of demand management and all the recommendations of the Porter commission. It has continued to go that route.

I can remember a conversation I had with Mr. Nastich about Darlington. I am sure he will not mind my recounting it because we had it in front of a number of people when I was first elected as leader and had a briefing on Ontario Hydro. He said to me, "Just let us build this one more nuclear station and then I promise you we will start talking about conservation. I promise we will start talking about demand management."

It only occurred to me as I left the room that it reminded me of St. Augustine in his confessions saying, "Make me pure, O Lord, but not yet." That is the approach Ontario Hydro is taking, "We will be the new puritans. We will put on all the conservation techniques you want. Just let us go ahead and build one more"—I believe quite unnecessary—"project." I have said that before in terms of what is needed to be done and I say it again to the Premier.

I say in all seriousness to the Premier he should look at the institutions he has. There is the Ontario Energy Board, which is shackled and cannot deal specifically with the question of capital increases. There is the public accounts committee, which has been told by the majority on that committee, and indeed by the auditor himself that it cannot deal with future policy, that it cannot deal with future policy or questions of the future, that it can only deal with past expenditure and cannot deal with any questions with respect to load management and things of that kind.

There is not an institution in this Legislature at the moment which is adequate to gain control over Hydro. I know he has given the answer that we have the estimates. With great respect, we have one day of estimates, a couple of hours in which we are able, a very few short hours—I do not have the numbers on me—five, I believe.

**Hon. Mr. Davis:** You could have had all five.

**Mr. Rae:** Don't start. If the Premier of Ontario is saying it only takes five hours to understand the implications of Hydro's capital

plans on energy rates and on the future economy of this province, then I think he is wrong.

**Mr. Conway:** He is dreaming in Technicolor.

**Mr. Rae:** I would not use that cliché more than once a week.

I am going to leave the Hydro question there, but I honestly believe, and I say this to the Premier, that eventually he is going to have to deal with it. If the government tries to brush it under the rug now it is going to come back and haunt him in the new year. It is not a problem that is going to go away. The accountability of Hydro is a political question of tremendous importance in this province. I think the Premier is aware of it.

He knows the feelings that are being aroused by the construction of the two major lines that are going in, one in the southwest and one in the east of this province. He knows the very real concerns that are there with respect to Hydro rates when Hydro rates are going up. For example, Toronto Hydro rates are going up by 9.5 per cent when the rate of inflation is only at five per cent. That is something which is of deep concern to all of us in this party. I do not think it is being addressed by the government and I do not think there are the vehicles the Premier seems to think there are to deal with it. I say that with the greatest of respect.

I have two other questions for the Premier which I would like him to deal with now, and I am sure some members of my party may have more.

The first one has to do with the question of separate school funding. I think everyone in this chamber knows that question has historically been one of the most difficult and sensitive issues in the province. It has never been dealt with politically by the Conservative Party and certainly has never been treated as a subject to be handled in a partisan manner. That has certainly been my experience in my short life in politics.

I am sure the Premier is aware of a growing sense in the province, and I think it needs to be said publicly perhaps more often, among people whose children go to separate schools, that the very real anomalies in their funding have to be dealt with. This has two aspects, and I would like to deal with the two aspects.

The first aspect, and this is something we are attempting to do a survey on ourselves, is the number of separate schools at the primary and junior high school levels, which are supposed to be funded on the basis of equality, that have temporary facilities that are literally bursting at



the seams. There are lots of kids in separate schools who are in portables and whose facilities are not equal, whose class sizes are larger and who are not in receipt of similar and equal access to quality facilities because of the funding restrictions and because there is a demographic imbalance in terms of the two systems. I think that is something the government has to address.

All of us are the products of our experience. I have been to a couple of schools in my riding and I have not been pleased with what I have seen in terms of kids having to go across school yards into temporary facilities, little youngsters having to head out into the rain and snow in order to get from one part of the school to another, and of facilities which are not equal and which do reflect some real problems which have to be addressed.

I know that addressing these problems is not easy. We all understand the very real difficulties that stand in the way when there are those who would resist any recognition of the inequality. The fact is there and it is something the government is going to have to deal with.

5:50 p.m.

I would also say to the Premier that in terms of extending the funding for grades 11 through 13, it has been my view since I became leader, and I think it has been the view which our party has expressed for some time, that we basically have two public systems in the province and it is time we got on with recognizing that fact in all its fullness.

I want to indicate to the Premier, for the record again, that those are the views of my party and those are my personal views. As I say, we are all the products of very different experiences in this Legislature, but that is my personal view and it is one which is felt strongly by our party as a whole. It is something I think the government is going to have to face up to and deal with. I want to indicate to the Premier that we expect and anticipate some steps will be taken to deal with this question.

I would not like to say anything further than that, except to say I take some joy in the fact that in our bicentennial year we are going to be graced with visits from both His Holiness the Pope and Her Majesty the Queen. I have never been one to associate those two figures with any particular political party. In our party, we look forward to joining in the celebrations which will be taking place with the arrival of those figures who play such an important part in the lives of all of us in this province.

I say to the Premier we look forward to joining in and I hope he gets that message. We look forward to being there when these events take place. We look forward to being able to participate in a totally nonpartisan way on those occasions, which I am sure it is the full intention of the government to do, as it has always done.

**Mr. Conway:** Have you ever known Walter Borosa to do otherwise?

**Mr. Rae:** No. When I got my invitation the day before the lunch to meet the Premier of Greece, whom I have met on a number of other occasions, I took it as a sign of real success that we were going to be included in that way.

**Hon. Mr. Davis:** I only got mine two days ago.

**Mr. R. F. Johnston:** So much more notice than usual; I usually get it the day after.

**Mr. Rae:** The final question I want to raise with the Premier quickly before turning to some general remarks is the question of the French language. I have not read *Contenders: The Tory Quest for Power*. I do not know what was said about him in that book with respect to whatever federal ambitions he may or may not have had.

**Mr. Conway:** It is one of the very few books in which you are not mentioned.

**Mr. Rae:** Did I detect a note of jealousy there from the the member for Renfrew North?

**Mr. Conway:** Yes; it is a good book.

**Mr. Rae:** I would just say to the Premier that I really do think when the history of this province and the history of the—I was going to say Davis decade but that is wishful thinking—decade or whatever may happen to be written, the failure to move officially with respect to French language rights is always going to represent something of a black mark in the sense that it shows an unwillingness to take what I think would be a courageous step, but one that would be accepted as an important one by and large in the province. It is one that would have tremendous symbolic value for the Franco-Ontarian minority in this province and one that I think would also do a great deal, not only for the Franco-Ontarian minority but for all minorities in this province and for all the people of this province.

We have spent today celebrating and recognizing the importance of Human Rights Week. All of us in this province and in this Legislature have come to celebrate the multiracial and multicultural character of our province, the fact that we are all in a sense boat people. We may

have come here in different boats, but we are all in the same boat today.

I would say to the Premier that the failure to move on the question of official language legislation for Franco-Ontarians is hurting us in Quebec. The Premier shakes his head.

**Hon. Mr. Davis:** I did not shake my head.

**Mr. Rae:** I have family there and I am in contact with them almost daily. This subject is one which comes up from time to time.

**Hon. Mr. Davis:** Who phones whom?

**Mr. Rae:** We phone each other. For the record, both my brother and my sister live in Quebec.

**Mr. Conway:** Both very prominent Liberals, if my memory serves correctly.

**Mr. Rae:** No, that is not true. The member for Renfrew North is going on very faulty information.

**Hon. Mr. Davis:** I think of your family history and I wonder what happened to you.

**Mr. Rae:** So do they.

**Hon. Mr. Davis:** I know they do.

**Mr. Rae:** I can say to the Premier I think the impact that step would have on the country, the impact it would have on creating a broader sense of understanding in the whole country between the French and English communities, would be enormous. I think the failure to move underestimates what this province is all about and what this province can do.

The Premier and I may have different versions of what the province is all about; however, I think it includes a statutory and constitutional recognition of the right to be a Canadian in the fullest sense in this province, which means the right to speak one of Canada's two official languages when dealing with the provincial government and when dealing with provincial social services.

For the life of me I cannot understand why, in a province which has the largest representation of French-speaking people outside Quebec, this government continues to resist taking that step. I know we have made progress. I grew up in Ottawa and I know what it was like 30 years ago in terms of the French and English communities.

**Hon. Mr. Davis:** That was kindergarten.

**Mr. Rae:** That is all right. I was a very aware child at that stage. I am saying to the Premier I know what it was like growing up when one had a sense of the different communities. That has changed. There are real changes which have happened.

And that has as much to do with what the

Liberal government has done in Ottawa as it does with what the Premier's government has done at Queen's Park; in fact it has far more to do with it. I do not see any reason why we should be second-class citizens with respect to that question in this province any longer.

Finally, I would raise a general policy matter. I could do the gamut here because so many are the same issues I have raised, from resources to education to many of the other questions that were raised by the deputy leader. However, I just want to focus my remarks very briefly on the question of jobs and the economy.

I say to the Premier I think we really do part company with him and with his colleagues on the question of the meaning of recovery and whether recovery has really happened in terms of jobs. I saw a headline in the *Globe and Mail* the other day which said the gross national product figure showed we have now reached what can be called recovery and that this is something we should all rejoice in.

I can only say to the Premier that it is some recovery in terms of jobs. There are some very disturbing features of this recovery. Unlike almost any other recovery which has taken place in a cyclical way since 1945, it has not been matched by a recovery in jobs. The Premier knows it; the Treasurer knows it; every member opposite knows it. We all know it as individual members because of the numbers of people we see.

The deputy leader of the Liberal Party talked about welfare recipients and the problems they were having in his constituency. We all share those problems. I say to the Premier that we in this party expect action on the economy for the winter. We are not satisfied with just holding back and waiting, waiting for something nice to happen out of some future federal, provincial or whatever program which may or may not take place.

In our view, there have to be some emergency measures taken as quickly as possible. We made some modest suggestions last week. We will have some other suggestions to make directly to the Treasurer with respect to action which we anticipate. However, the one thing I have come to learn about the Treasurer in his previous incarnations is that while he may announce the intention to do a number of things, he is a little slow in actually doing them.

For example, I notice he gave out a major release at one time, talking about the fact there were going to be major budgetary statements made at the end of November and then at the

beginning of December. Now we have come through, if I am not mistaken, the end of November and what I would regard as the beginning of December and we have not seen any of the statements the Treasurer said he was going to make.

**Hon. Mr. Davis:** It is now December 5.

**Mr. Rae:** That is right; there is no argument about that.

**Hon. Mr. Davis:** Does the Treasurer know that?

**Mr. Rae:** Therefore, I say to the Premier that it is all very well, we are all politicians here, we all know the name of the game is—

**Mr. Conway:** Some are statesmen.

**Mr. Rae:** A statesman is just an unsuccessful politician of one kind or another.

**Mr. Conway:** If you read the Parliamentary Guide you know the difference.

**Mr. R. F. Johnston:** Some are knights and statesmen.

**Mr. Rae:** I take it back, I was thinking of the member opposite.

But none of us mind, really, except perhaps in moments of some depression, the kind of attention the Treasurer gets whenever he makes these bold announcements of crackdowns in the nursing home field and major reform in the budgetary process. We all expect him to get publicity for those things because he is very good at doing that.

I only wish, for the sake of literally hundreds of thousands of people who do not have jobs, that the Treasurer would do a little more in substance to announce some measures for the winter that would make a difference to people. That is what we are waiting for, that is what we have not seen and that is what we are going to be insisting on in the days ahead.

**Mr. Chairman:** That is all the time we have today for these estimates. When we return we will resume consideration of Northern Affairs estimates.

The House recessed at 6:01 p.m.



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No. 101

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# **Hansard**

## **Official Report of Debates**

### Legislative Assembly of Ontario

**Third Session, 32nd Parliament**

Monday, December 5, 1983

Evening Sitting

Speaker: Honourable John M. Turner

Clerk: Roderick Lewis, QC

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# LEGISLATIVE ASSEMBLY OF ONTARIO

Monday, December 5, 1983

The House resumed at 8 p.m.

House in committee of supply.

## ESTIMATES, MINISTRY OF NORTHERN AFFAIRS

(concluded)

**Hon. Mr. Bernier:** Mr. Chairman, I believe when we wound up a week or 10 days ago I was replying to the comments of the member for London North (Mr. Van Horne) and the member for Lake Nipigon (Mr. Stokes).

I believe I commented last on the log hauling problem in northwestern Ontario and pointed out to the House and to the honourable members that a committee had been set up by industry, labour and government. It came down with 69 recommendations, which we are looking through very carefully.

Many of those recommendations have already been implemented by the companies and the operators themselves; so I think we are on the right track. I think things are moving forward with respect to increased safety on our highways in relation to the hauling of pulpwood in northern Ontario. Of course, if it is not being done, we will take tougher measures to ensure it is done.

I believe the member for London North raised the question of the Rodger Allan report and the possible co-ordinating effort or the possible involvement of the Ministry of Northern Affairs with the Ministry of Education in trying to resolve some of the unique northern Ontario problems. I can report to the members that we have already begun staff discussions.

My staff has met on a number of occasions with the Ministry of Education staff in a preliminary way to look at ways and means we could become involved. Nothing concrete has been resolved as yet. I hope to meet with the Minister of Education (Miss Stephenson) by the end of the year, and if not early in 1984, to examine further any possibility of involvement by our ministry.

I believe the honourable member went on to make some comments with respect to the natural resources centre that the government has seen fit to fund with the University of Toronto, which really brings together a large

number of the research branches of that major learning institute under one roof.

I think the best way to explain that would be to put on the record a letter that was directed to Dr. Henry Best, president of Laurentian University in Sudbury, by the then president of the University of Toronto, Dr. Jim Ham. I think if I read that into the record it would clear the situation up and give a broader view of the need for this facility, which is being developed in co-operation with those universities in northern Ontario. The letter is dated June 30, 1983, and is directed to Dr. Henry Best, president of Laurentian University in Sudbury.

It reads: "I do apologize that we have not been able to get together to have a discussion about the University of Toronto's initiatives relating to the natural resources of the province in the context of the province's and industry's commitment to enable us to build a natural resources centre. You can appreciate, I think, that my last few days in the university have absorbed more than all the attention that I am capable of giving.

"I must say that I rejoice in the support that has been given to us after more than five long years of planning and working on this matter. There are a few things that you should understand at this point. First is that the natural resources centre is a building complex in which the department of botany, the faculty of forestry, the departments of geology and geography, and the institute of environmental studies are being brought together under one roof.

"There are two grounds for bringing them together. The first is that they have been accommodated in ancient and increasingly useless buildings, such as a mining building built in 1905. Hence the building complex that is now under way has been a necessity for the university because of its aged buildings.

"The second essential point is that six years of planning have enabled the university to understand that there were important interdisciplinary objectives to be achieved in bringing these units together in a coherent manner in one place. We have resolved to build a stronger interactive project between botany and forest-

ry, centred on forest biology and forest management.

"I would note that this program will utilize the staff resources that we have and the planning for the centre will guide us in shaping replacement of staff over the long term. Likewise, the bringing together of environmental studies, geography and geology has provided a means whereby we can get a coherent focus on the earth sciences as related in particular to the utilization of the land.

"The understanding of the occurrence of mineral deposits—"

**Mr. Stokes:** That is garbage and you know it.

**Hon. Mr. Bernier:** Wait a minute. These are the studies that are going on at the University of Toronto.

**Mr. Stokes:** That is going to go over to Guelph.

**Hon. Mr. Bernier:** No, it is not. The president of the University of Toronto has clearly stated it in his letter to Dr. Best.

**Mr. Stokes:** He doesn't know what he is talking about.

**Hon. Mr. Bernier:** I am afraid I will take his word against the member for Lake Nipigon.

The letter goes on to point out: "There will be important couplings between this group of units and the geo-engineering and metallurgy programs as well as other science departments and the faculty of management studies.

"I would emphasize again that the University of Toronto has chosen to focus its existing capabilities in the manner that I have indicated. Apart from being a new building complex for ancient buildings, there is nothing new other than our own conception of what is important that we should have focus upon. Hence, there is every opportunity in these circumstances for Toronto to co-operate and collaborate with Laurentian and Lakehead in order to provide this province with the knowledge and the capability to make the best use of its resources, renewable and nonrenewable.

"I am copying this letter to David Strangeway, who is an eminent geophysicist and a leader in the development of the natural resources centre. I am asking him to engage in whatever discussions would be constructive with members of your staff and with the Lakehead staff in devising meaningful, co-operative working relations.

"There is only one element of the apparent upset that has occurred which I find difficult to

accept. The University of Toronto is a strongly research-based institution. In deciding to focus certain of its existing intellectual resources on the earth and environmental sciences and related problems in the development of natural resources, it has not deflected major resources away from your universities. It has simply, in my view, been imaginative about the use of its own resources in a way that can be better understood publicly.

"If this incident indeed inspires us to work out more effective bonds then it will indeed have been a positive one." He goes on to talk about leaving the presidency and he thanks them both for their co-operation. A copy of that letter went to Dr. Harrower of Lakehead University, and of course it was directed to Dr. Best.

That pretty well spells out what their efforts were at the University of Toronto; just to bring the existing facilities that they have now under one new roof, that is all it was. But the reports coming out of some places indicated they were going to pull away from Laurentian University and possibly pull away from Lakehead University, and that is entirely incorrect. He states it clearly in his letter, and that is the reason for putting it on the record. There may be some further questions about that.

**Mr. Van Horne:** Mr. Chairman—

**Mr. Chairman:** One moment, if I may, member for London North. Would the minister permit questions?

**Hon. Mr. Bernier:** Sure.

8:10 p.m.

**Mr. Van Horne:** Mr. Chairman, keeping in mind that the last time we were in the estimates of the Ministry of Northern Affairs it seemed to be acceptable to interject or ask a question at the end of each section we were covering, in this particular instance I note that the member for Lake Nipigon had an observation. My observation would have to be that there is no question about the need for the repair of some of the buildings or facilities here at the University of Toronto.

I think the question that still remains to be answered is, given the determination to enhance these forestry programs here at the U of T, what, on the other hand, is this ministry or the Ministry of Colleges and Universities doing to underline the importance of the mining and forestry programs in the north, particularly at Lakehead University and Laurentian University? What is being done to foster and encourage more development up there?

It seems that once more, with this move to spruce up the U of T's physical facilities, putting a red asterisk beside the program and calling it the research focal point—the minute the government does that it takes away from what the north has been hoping for all along. I realize that what the minister read to us were not his words but the words of the president of the university, but I think the question is a still legitimate; that is, what is being done to enhance or to bring up to that level of recognition the mining and forestry programs at Lakehead and Laurentian universities?

**Hon. Mr. Bernier:** Mr. Chairman, that is a very good question and one that I am pleased to respond to. If we take the various universities—and we have two of them in northern Ontario—my colleague the Minister of Natural Resources (Mr. Pope) has already made a public statement that much of that ministry's research will now move out of that ministry and be farmed out to those universities and to the private sector. That has caused a stir within that ministry; there is no question about it. There is a feeling that it should remain within the ministry. I am one of those who support that research going out to those institutes, as they are doing.

The government's thrust under the Board of Industrial Leadership and Development committee to establish a resource machinery centre in the Sudbury basin, which will see something like \$20 million or so spent with Laurentian University in developing innovative mining techniques and machinery for northern Ontario, is located in northern Ontario. I hope the prototypes that are developed will be developed in northern Ontario, because when prototypes are developed and manufacturing follows, if it occurs in a specific area or region of the province then of course the manufacturing remains in that area.

**Mr. Stokes:** Just like Jarvis Clark.

**Hon. Mr. Bernier:** Exactly. I regret they saw fit to move out of the North Bay area. Nevertheless, that is the government's thrust.

There is a very strong movement to strengthen the research capabilities of both those universities; there is no question about it. This government is committed to go in that direction. In fact, I have made it known to the presidents of both those universities that any research my ministry is involved in will be sent in their direction. Wild rice is a typical example.

**Mr. Van Horne:** That leads me to my last question on this item. Can the minister identify

for us in his estimates book any specific moneys that are directed to research at either of those two universities? Are there any specific amounts listed in this estimates book for the year 1983-84?

**Hon. Mr. Bernier:** I think the only specific moneys we are voting on in these estimates is for wild rice research at Lakehead University. No, I believe there is another one. It may be completed now. It was the utilization of waste wood in the forests of northern Ontario, and I think that research has been completed.

**Mr. Stokes:** Well, continue on.

**Hon. Mr. Bernier:** I thought the member had another question.

The member for London North also made some comment about the rail-bus situation, and I think he sent me a copy of a brochure he had picked up with respect to improving rail passenger service in the remote areas of northern Ontario. I think he is very much aware that my colleague the Minister of Transportation and Communications (Mr. Snow) and I have embarked on a study of that area with respect to the continuation of passenger service by Via Rail. That report, I understand, is either complete or nearing completion.

I have to admit I was somewhat upset to see the Canadian Transport Commission holding public hearings in Sioux Lookout and Thunder Bay with respect to the limitation of rail service between those two communities prior to our report coming down. They were very much aware of it. In fact, I think they were involved in some of the discussions during our studies and our examination of the whole question of rail passenger service in northern Ontario. For them to hold public hearings in advance of our report I find difficult to understand. I made that known to them and I made it known publicly.

The member is quite right. There are studies going on in Manitoba with regard to a rail-bus. We have been in touch with them. We are watching that development closely, but I have to say the Manitoba people are finding Canadian National Railways very unco-operative with respect to that type of facility on its rail system. There is practically no co-operation from the CNR. I think we would find the same thing here, having had experience with the Ontario Northland Transportation Commission.

**Mr. Kerrio:** What about the Canadian Pacific Railway there?

**Hon. Mr. Bernier:** The CPR does not run in some of these places, but the experience to



date has not been one of any great enthusiasm.

The member also mentioned the involvement with the ONTC. What we are trying to do is work closely with the Urban Transportation Development Corp. for the development of a facility that will not only improve service in the northeastern Ontario corridor but also possibly strengthen the research and development capabilities of UTDC in the possible development of a unique bilevel facility that could be manufactured in Thunder Bay and sold right across Canada. Those discussions are going on at the present moment. We are very much aware of improved rail service in the northeastern Ontario corridor.

Turning now to the member for Lake Nipigon, I would again like to recognize his favourable comments with respect to some of our positive programs in northern Ontario—

**Mr. Van Horne:** Mr. Chairman, with respect, there were two other topics in the beginning statement which I alluded to. One was on renewable energy. The other was on the delivery of health care in the north. I may be wrong, but I do not recall hearing comments on those things. If they are in what he is going to offer in response to the member for Lake Nipigon that is fine, we will take it at that point.

**Hon. Mr. Bernier:** I can talk about the energy requirements. That is something we, as a ministry, watch closely as to what happens right across northern Ontario, particularly in the remote areas where we are in constant contact with Ontario Hydro and with the Department of Indian Affairs and Northern Development in pressing for electrification of the remote areas.

I might say we do get co-operation after we develop an airstrip in many of these remote northern communities. Muskrat Dam Lake comes to mind; I had a group in just last week pressing for some consideration for electrification of that community. Hydro has said quite emphatically that it is willing to put in energy as soon as the Department of Indian Affairs and Northern Development gives it the nod.

Of course, the Department of Indian Affairs and Northern Development waits and would appreciate the development of an airstrip in order that it could move in the generator and provide the fuel on an ongoing basis, as well as servicing the plant. That is on the books. As we move with our airstrip program it brings with it the electrification of those small, remote northern Ontario communities.

8:20 p.m.

The development of peat as an energy source is still something that is some distance off, in my opinion. We have held seminars in co-operation with other ministries and other groups. We had a very extensive one a couple of years ago in Thunder Bay.

It is obvious to us and to those involved that the economics are not here as yet. There has been some interest by the private sector in the development of that resource and that is moving ahead quite slowly. There are a number of suggestions and possibilities for further research and development in this field, but it is too premature for me to delve into them to any great extent at this time.

The member mentioned the delivery of health care services. Our efforts in this regard are still real and positive. We work closely with the Ministry of Health in our bursary program. I am sure the member for Lake Nipigon will have something to say about that because he has a personal involvement.

Our bursary program has had some effect on the promotion and encouragement of specialists in northern Ontario. It has had a terrific effect in providing northern Ontario with the required number of dentists. I think it is fair to say we have pretty nearly filled the needs in northern Ontario at this time with our dental program through mobile units, assistance in the Kenora-Rainy River area with a school program and the co-operation of the Ontario Dental Association in its efforts to improve dental care across northern Ontario. We have the basis of a good program. We want to maintain that and improve upon it.

With respect to the medical area, the member is aware we have our bursary program and our aid to municipalities with the development and purchase of medical and dental clinics whereby we will assist municipalities with up to two thirds of the capital cost if they will take the initiative to erect medical clinics and encourage dentists and doctors to come to their communities. Under our system of medicine I do not think we can expect young doctors to move to northern Ontario and make a major capital investment for a medical clinic to serve the public in that area. But our initiative is working, there is no question about that.

We are short of surgeons. About a week ago it was brought to my attention forcefully that from Thunder Bay to the Manitoba border, because of a number of deaths and transfers out, we have something like one surgeon. I immediately called in the chief executive officer of the

Ontario Medical Association. We had a lengthy discussion as to how we could encourage more surgeons in northern Ontario.

He promptly pointed out to me that doctors or surgeons do not answer want ads. They are well served in their own areas, but there is movement in the system. I asked him how I could personally make an appeal to surgeons in southern Ontario. We came up with a plan whereby I will send a personal letter, over my signature, to every surgeon in southern Ontario pointing out the benefits of moving to northern Ontario if they are so inclined and would like to change their atmosphere or way of life.

I point out the quality of life we have and all the benefits of operating in northern Ontario. That will entail over 1,000 letters. I am prepared to do that. The need is real, and as a northerner I want to get our message to the professionals who may be thinking they would like to live and practise in a different atmosphere. Northern Ontario can certainly offer them that.

Along with our bursary program and our assistance through the Ministry of Health, the members are voting something like \$3.8 million to the air ambulance program in northern Ontario. Under that program, which is shared by the Ministry of Health, four dedicated aircraft are located in northern Ontario: a helicopter at Sudbury, a jet at Timmins, a helicopter at Thunder Bay and a King Air located at Sioux Lookout. Granted they are not operating on a 24-hour basis; I hope we will achieve that in the not too distant future when funds become available. The helicopters operate on a 24-hour basis and the other aircraft operate on a 10-hour basis at the present time.

I had a pleasant announcement to make today in co-operation with the Minister of Health (Mr. Norton) with respect to Marathon. That is in the honourable member's riding. The Wilson Memorial General Hospital has just completed the development of a heliport that will now provide 24-hour service by that helicopter out of Thunder Bay. We have developed something like 23 or 24 heliports in northern Ontario. They are totally paid for by the Ministry of Health, I might say. It is an excellent program that is working exceptionally well.

In fact, the air ambulance system we have in place is receiving bouquets from people in all walks of life. It literally puts them within one hour of a major medical referral centre. Working closely with the Ministry of Health, in the last two or three years we have made some

major advances in dealing with the special and unique needs in northern Ontario.

The member for Lake Nipigon made some very positive remarks concerning our efforts in a number of different areas. I think he used the words "yeoman service" in some instances where we have moved in to answer a special need. He also recognized our special role to set policy and priorities with respect to a number of matters in northern Ontario, be they health care, transportation or other areas.

I have just been informed by my deputy that the Ministry of Northern Affairs is paying for the heliports; it is not the Ministry of Health. So those 22 or 23 heliports were developed by the Ministry of Northern Affairs as part of our overall program.

The member for Lake Nipigon mentioned the lack of visits by members of the Ontario Legislature to northern Ontario. If I recall correctly, when we first came here this was an annual, a semi-annual or a biannual event. At least in every parliament there was a trip to northern Ontario. I was involved in the planning of two of those major trips for all members of the Legislature. On the last one, we polled every member of the Legislature and received positive indications from something like 80 members who would go on that trip. It was an extensive one leaving here by train and going up to northeastern Ontario. I think it went up to Timmins and Sault Ste. Marie. It was very extensive.

We were disappointed when we found that only about 30 members showed up. The costs were astronomical, I have to admit, because we had booked for 80 people. We hired a whole train and laid on buses and staff. The planning for a trip of this nature takes four or five months and it was discouraging. So we did not move in that direction again with any enthusiasm for fear of some criticism.

It should be pointed out, and members should be reminded, that under their legislative transportation allowance they can move anywhere in the province 12 times a year. If any group wants to go to northern Ontario I would be the first one to offer my services as a co-ordinator and planner to point out places of interest and open some doors, mine pits and paper mills, and even to fly members over the regenerated forests of northern Ontario. It would take two or three days just to look at the reforestation and regeneration program my colleague the Minister of Natural Resources is busy doing.

8:30 p.m.

**Mr. Stokes:** That is your problem. You go flying over it at 20,000 feet instead of getting down and seeing what is going on.

**Hon. Mr. Bernier:** No. I have put a lot of miles on my car. I make it a personal habit to check the highways from the highways, not from the skyways.

Members have the financial resources, paid for by the people of this province, to visit any part of northern Ontario. In fact the former Minister of Agriculture and Food, the member for Lambton (Mr. Henderson), was always complaining to me that northern members should come down to southwestern Ontario, because many of us had never seen a winery in Niagara Falls, those beautiful grapes and that Inniskillen wine that flows so freely from that area. I admit I have never seen that, or any tobacco kilns.

There were areas of interest he wanted to show us. He was constantly pressing for northern members to visit the south and become educated in their particular problems, as we would like southern members to become more familiar with our problems and our area of this great province. I encourage all members to make it a point next year to visit northern Ontario.

**Mr. Nixon:** There is only one problem, there are too many Tories.

**Hon. Mr. Bernier:** Don't just go to Renfrew. There are other places besides Renfrew and Algonquin Park.

**Mr. Conway:** Listen, Leo, you lay on a trip and we'll pay our way. I am quite serious. I would love to go.

**Hon. Mr. Bernier:** I know the member for Brant-Oxford-Norfolk (Mr. Nixon) is constantly pressing for a members' tour.

**Mr. Nixon:** That is not quite the offer I meant, but—

**Hon. Mr. Bernier:** I know how excited he is about going to northern Ontario and I invite him, as a long-time resident of that great area, to come up and visit at any opportunity and it will be there for him to enjoy.

**Mr. Conway:** My late grandfather used to inquire about that "northern drunk" as he called it, wondering if it was still on.

**Hon. Mr. Bernier:** What was that?

**Mr. Conway:** My late grandfather used to ask me if that—

**Hon. Mr. Bernier:** There was never any drinking on the trip that I organized.

**Mr. Conway:** This was 1926.

**Hon. Mr. Bernier:** That was long before my time.

**Mr. R. F. Johnston:** About a year or two before.

**Mr. Conway:** They had a great good time in his day, I gather. Something about taking the train across the great north.

**Hon. Mr. Bernier:** Things have changed. I might say the north has changed too.

The member for Lake Nipigon made some very complimentary remarks with regard to our extended care program that was announced in the throne speech. We have since announced four or five pilot projects across northern Ontario: one in Dryden, one in the member's riding of Geraldton, Atikokan and Smooth Rock Falls. Sioux Lookout will be on the list once we get the amalgamation sorted out with the federal government.

**Mr. Stokes:** What about Wawa?

**Hon. Mr. Bernier:** I have Wawa on my list here.

We have made the announcement and we are committed to that program. Over a five-year period we think we can see an expenditure of something like \$25 million to \$30 million on this program alone.

The Ministry of Health and Management Board, in their wisdom—and it really was the correct decision; we were going into a new program and we really did not know what the cost would actually be—prevailed upon us to pick four or five different types of circumstances. Dryden has a different set of circumstances than Atikokan, which is different from Geraldton. I believe Geraldton is putting on an extra wing as part and parcel of its extended care facilities.

The Ministry of Health wanted to know if some hospitals would need new heating systems because of 20-bed extended care facilities. Would they need a whole new electrical system? Would the present kitchen serve the extra 20 beds? Every hospital would be unique because the improvements that would have to be done to the existing hospital would be tied to the expenditure on extended care.

We agreed with that, and we are using these four or five as pilot projects to get a handle on it and to get some idea of the cost for the balance of the program, which will include 25 or 30 communities across northern Ontario. Wawa is in that next package, that is the point I am trying to make, once we get these under way. We hope to turn the sod in early 1984 for two or three o



these. Much of the planning has gone on. We had money in our budget last year for the engineering and design for these specific hospitals and that is moving ahead.

I am really proud of this program, because it was talked about, needed and designed in northern Ontario.

The health council in the Cochrane area did a very extensive study, as did the health council in the Rainy River area and the Kenora area, of the specific needs for long-term care of our senior citizens in the smaller communities. I think the package they came up with is unique to northern Ontario and I am pleased that the Ministry of Health and the Ministry of Community and Social Services have seized on it as a need in northern Ontario.

One thing I want to make abundantly clear is that any development of an extended care facility in any of these communities will not relieve that municipality of its responsibility to the district home that is already established. We have seen the problem in the Fort Frances area; Rainy River is slated to have an extended care facility somewhere down the road. Atikokan has already had its announcement; it is getting on with the extended care facility.

There is a need for a new home for the aged in Fort Frances and there was some reneging by Fort Frances and Atikokan; they did not want to contribute their contracted portion of the capital cost. I have said from day one that in no way would this relieve those municipalities of their responsibility to the established district homes for the aged, because they will be needed and we cannot back away from the commitment and that particular need.

So I say to the member for Lake Nipigon that Wawa is in the package and is on the list. I think it will be in the next four or five that are announced. I personally had some correspondence with Wawa and tried to indicate this as positively as I could. I certainly admire those communities' desire to get on with the extended care. One sixth of the capital cost has to be raised locally and many of the communities have already raised their portion, which is an indication to us here at Queen's Park that they are sincere and that the need is great.

The member for Lake Nipigon made some comment with respect to the Royal Commission on the Northern Environment. I indicated to him that I thought the report was to be down by December 31, 1983. We have since learned that, while the commission will wind up its activities at the end of this year, the report will not be

down until March 31, 1984. I am anxiously looking forward to receiving that report, of course, and I really cannot comment one way or another until I see it.

The member was commenting very strongly about the massive costs this commission has imposed on the taxpayers of this province. I cannot even comment on that until we find out what is in the report and what the recommendations are, but I am sure that when it does come down we will all be in a better position to comment positively or negatively, and I will certainly await that report when it comes down at the end of March.

The member talked at some length about the access road program and the problems associated with those semi-isolated communities, along the main lines of the Canadian National Railway particularly. He suggested there should be greater co-operation between industry, the Ministry of Natural Resources, the Ministry of Transportation and Communications and all other ministries in doing that particular type of alignment which would not only extract the renewable and nonrenewable resources but also provide access for those communities.

I can tell the member that since this was brought up at our last discussion of these estimates we have moved in that direction. The road north of Redditt is a good example of the efforts we have taken, not only with the local people but with the communities, with industry and with the Ministry of Natural Resources to put that alignment in place so we will get the biggest bang for our buck in the years to come. Detour Lake was another example of how we worked very closely with the tourist industry, the mining industry and the pulp and paper industry to get the biggest bang for the taxpayers' dollars; I think it has worked exceptionally well.

#### **8:40 p.m.**

The Manitou road, which connects Dryden and Fort Frances, is another example of excellent planning as it relates to the development of a connecting link. We are doing the same thing on the Bending Lake road from Atikokan to the Ignace area, moving that road to access those nonrenewable resources, such as those located at Bending Lake in the hope that some day they will be developed for the benefit of the taxpayers of this province. So there is some flexibility. We are constantly aware of the multiple-use aspect. In our co-ordinating role we constantly bring this forward to industry and to other ministries of this government.

The member also went on in his remarks to touch on the very pleasant two or three days he had at that great world-class resort known as Minaki Lodge. I was most pleased to see him there and I regret that for personal reasons the member for London North could not accept my invitation to be there. I hope he gets the opportunity to go to Minaki Lodge and see for himself what has been developed in the interest of providing a flagship of tourism in northwestern Ontario; a jewel of the north, if you want, a catalyst that will push tourism into the forefront in northwestern Ontario, that will bring tourists from all around the world, something that will be a monument to this government and something that outdates and improves on Montebello and is equal to Jasper Park.

Why can we not have something in the middle of Canada that equals that? I ask members that question? Is there something wrong with having something of that calibre?

**Mr. Martel:** Put it where people can get to it.

**Hon. Mr. Bernier:** I make no apologies for that at all. You will be as proud of Minaki as I am two or three years from now.

**Mr. Martel:** I don't think so.

**Hon. Mr. Bernier:** You will.

**Mr. Martel:** I hear you are moving it.

**Hon. Mr. Bernier:** The member for Lake Nipigon signed the guest book when he was there and he wrote "fantastic." That says it all.

**Mr. Martel:** Anything is fantastic if you put \$45 million into it.

**Hon. Mr. Bernier:** That says it all. It was fantastic.

**Mr. Stokes:** For \$45 million I could have done even better.

**Mr. Samis:** Anybody could have.

**Mr. Conway:** It is \$46 million worth of fantasia.

**Hon. Mr. Bernier:** Let us have the record show \$22 million on the lodge. The road would have been built; it was part of a five-year planning process. Would the member deny a road to the Whitedog Indian reserve? He surely would not. He would be the first one to stand up and condemn us if we did not do it. The road is there; it is a first-class road, as well it should be. It serves Minaki Lodge. Is there something wrong with that?

**Mr. Martel:** What riding is it in?

**Hon. Mr. Bernier:** I don't know. What riding is it in?

**Mr. Martel:** That is why it is there—first-class.

**Hon. Mr. Bernier:** No, not really.

We built the Hallmark Hornepayne Town Centre and it was not in this member's riding. That was not considered. If there is a need in northern Ontario—

**Mr. Martel:** How many people from Minaki actually work there?

**Hon. Mr. Bernier:** Let me talk about that. We recognized that particular problem two years ago. My ministry, under the direction of the assistant deputy minister at that time, foresaw the problem and embarked on a very extensive education program with Confederation College right at Holst Point where we encouraged the local people to come and participate in a training program.

**Mr. Stokes:** You do not want to talk about Holst Point.

**Mr. Martel:** Just tell us how many.

**Hon. Mr. Bernier:** Wait a minute. That is where the training program was going on.

**Mr. Stokes:** They had a bunch of Yanks in there operating illegally.

**Hon. Mr. Bernier:** They are not there any more.

**Mr. Stokes:** You do not want to talk about Holst Point.

**Hon. Mr. Bernier:** Yes I do, because it is a money-maker, the same as Minaki Lodge will be.

**Mr. Martel:** How many are from Minaki? Just give me the numbers.

**Hon. Mr. Bernier:** Wait a minute. Let me explain the training program. This is a world-class facility. We indicated to the local people at that time, "Just because Minaki Lodge is in your backyard, the job is not necessarily yours. You are going to have to shape up, train and compete with other people."

**Mr. Martel:** We got through that line. Now tell me how many.

**Hon. Mr. Bernier:** We really do not discriminate against Manitobans because they are our greatest customers. If they want to come from Manitoba, Kenora and Thunder Bay—

**Mr. Martel:** Give me the number. Just tell us how many.

**Hon. Mr. Bernier:** The largest percentage were from Ontario.

**Mr. Martel:** Just tell us how many are from Minaki.

**Hon. Mr. Bernier:** I don't have the numbers offhand.

**Mr. Martel:** Oh, I know you don't.

**Hon. Mr. Bernier:** I will tell the member the largest percentage of employees at Minaki Lodge were from Ontario.

**Mr. Martel:** How many from Minaki?

**Mr. Stokes:** Do you want me to tell you?

**Mr. Martel:** Come on, tell us.

**Hon. Mr. Bernier:** There are 140 jobs there and there were not 140 jobs two years ago, I can tell the members that. This is what counts; 140 permanent jobs.

**Mr. Martel:** You won't tell us. Will you send that to your staff?

**Mr. McClellan:** Are there more than 10 or fewer than 10?

**Mr. Martel:** Two.

**Hon. Mr. Bernier:** They will be permanent jobs. Let us look at the operation at Minaki Lodge this year. It averaged around 60 or 65 per cent occupancy.

**The Deputy Chairman:** Order. The member for Sudbury East.

**Mr. Martel:** Is it not obvious he just does not want to give us the figure? Is it not obvious even to you, Mr. Chairman?

**The Deputy Chairman:** You have asked the question again. The minister will answer the question, please.

**Hon. Mr. Bernier:** If I had those figures I would be glad to give them to the member. I am sure if he asked my colleague the Minister of Tourism and Recreation (Mr. Baetz) he would get them.

However, we were very sensitive to the needs of that particular community in advance of the lodge opening. We foresaw the problem and trained those people. There are people from the Minaki area working there and they love it.

**Mr. Martel:** There are six from Minaki.

**Hon. Mr. Bernier:** There is no unemployment in Minaki. About two years ago about 60 per

cent were unemployed; now there is no unemployment. They may not be working at the lodge, but they are working and that is what counts.

**Mr. Martel:** Are there six from Minaki?

**Hon. Mr. Bernier:** A job is a job is a job, and the member should not forget that.

**Mr. Martel:** You are gumming it too hard to be credible. Six from Minaki have a job. Let the record show this.

**The Deputy Chairman:** Order. The records show a lot.

**Mr. Kerrio:** It would require 140 per cent occupancy to make a profit.

**Hon. Mr. Bernier:** Occupancy of 140 per cent? I wish it was.

I touched on medical services at some length. I believe we are working with the town of Armstrong in trying to set up a medical clinic. I have been in touch with Dr. Copeman on that particular issue. There is some land problem he is trying to work out; however, he is confident he can resolve this particular problem.

There is something about Canadian National not selling land or leasing land. He goes on at some length, but he assured me as late as last week he thinks it can be resolved and that we can get on with providing a clinic, which should be in Armstrong. In fact, when the chamber of commerce group was down here a couple of weeks ago a little girl from the chamber was here. She made a special note of inviting me up to Armstrong. I hope to get up there early in the new year. If the member for Lake Nipigon is handy, I would like him to join me.

We touched on the Nakina problems. I think the member for Lake Nipigon is very much aware of my efforts with respect to stopping that runthrough at Nakina. As I pointed out to the member on Tuesday, I have written to the former Minister of Transport, Jean Luc Pépin.

**Mr. Stokes:** Thank God it is former.

**Hon. Mr. Bernier:** We did not get very far with our suggestion that he entertain a meeting with myself and the Minister of Transportation and Communications (Mr. Snow) to discuss this issue. He was not interested, so that meeting never did take place.

**Mr. Kerrio:** After the terrible things the minister says about the feds, how can he expect their help?



**Hon. Mr. Bernier:** I would hope my friends in the Liberal Party would prevail upon some of those federal Liberal ministers to be more sensitive to the needs of northern Ontario. We try with various ministers and we get a deaf ear from them. We sometimes wonder if they know where northern Ontario really is. If the member can help us, we would appreciate his support.

In respect to the Nakina operation, we are told that CN is prepared or would entertain public hearings after it completes its discussions with the union and works out some internal problems. I think there is something in the record that we recently received about that. However, the member for Lake Nipigon may be more up to date than I am on that particular issue.

8:50 p.m.

None the less, I think we are in complete agreement with the member for Lake Nipigon that these decisions should be made public and that the CNR should be forced to show facts and figures for savings, if there are any, and reasons for making such a disruptive decision which affects some 50-odd families in the Nakina area. Will some of them move to Hornepayne? I am sure the member will want to discuss Hornepayne a little as we move ahead.

I believe in my opening remarks I touched on the last item, Whitedog, that the member brought up. I think those discussions are moving ahead. I think I touched to some extent on wild rice and our position and my position as it relates to the future of that renewable resource.

I would hope the honourable member has tried that California rice and compared it with the great northern Ontario rice, that could be more abundant in northern Ontario if some of our attitudes and maybe policies change. But it is there and we certainly will press on to see some economic progress made in that particular field.

I think that concludes my remarks in answer to the honourable members in their opening statements. If there is something I have neglected or failed to comment on, I will welcome any question and we can get on with the issues.

**Mr. Van Horne:** I was simply going to defer to the member for Lake Nipigon because I went on each particular topic to supplementary questions that I had for the minister, so I am finished with that part of that. Perhaps the member for Nipigon has questions.

**Mr. Stokes:** I would like to engage the minister for a few moments on the last item he

responded to, and that was the Nakina runthrough. The minister is right. I received a letter from John O'Hara, who is the secretary of the railway transport committee of the Canadian Transport Commission. They will provide public hearings once the negotiations between Canadian National and the employee union groups are completed.

I had some misgivings about that, although there is the assurance it will not prejudice the public hearings regardless of what decision is reached for some kind of compensation and it still will not prejudice either the employees or other people who have an interest and feel so strongly about what might happen with regard to the elimination of Nakina as a terminal.

I want to quote the minister, because on a couple of occasions while he was responding to the opening remarks of the member for London North and myself, he mentioned transportation in a couple of instances. I know the minister wants us to respond to the criticisms in the annual report of the Provincial Auditor for the last fiscal year ending March 31, and he probably would have wanted to get into all of the details. I want to refer to page 81 of the auditor's report where he says, "Although CN employment did increase from approximately 425 in 1975, there have been layoffs and at the time of our review," that is, the auditor's review, "there were about 410 CN employees."

Going back to the reason for building the town centre in Hornepayne—referring to page 71 of the auditor's report—he says: "Feasibility of the project: The town centre was conceived in 1975 as a result of a planned expansion of CN operations which was to increase its labour force in Hornepayne from approximately 425 in 1975 to some 600 by 1980 or 1981. While there is also a need to replace the existing CN accommodation, Hallmark, having been selected by CN to provide commercial development, suggested a community approach."

What does it say about the planning of CN when it told the ministry it was planning for a work force that would increase from 425 in 1975 to 600 by 1980 or 1981? The Provincial Auditor tells us there were only 410 workers when he completed his review, which I assume was in the 1981-82 fiscal year. The net result of the Nakina runthrough will mean the operating tradespeople will of necessity be forced either to move or commute to Hornepayne in order to pursue their employment in the running trades as enginemen, conductors or trainmen.

CN tells us the maximum number in the running trades group that will be affected will be

something in the order of 51, as opposed to the 175 it expected in justifying its participation in the Hornepayne town centre. The minister will know there is a great reorganization going on in CN, which will move out of those northern communities the dispatchers, call boys and all the traditional people who make their living by providing services in terminals in railway centres wherever they are.

One wonders at the planning of Canadian National Railways, along with the Ministry of Northern Affairs as the lead ministry, on Hallmark when they can hand the minister that kind of gobbledegook. We know the minister is having difficulties justifying the economic viability of a centre such as the Hornepayne town centre.

The rationale provided by this minister's deputy says: "The focus of this innovative pilot project was to address the problems of life in a small, remote northern community. This is reflected in the purposes listed in the letter of intent. Indeed, at the time, it was thought similar projects might be developed across northern Ontario. The government's investment in this project was for the purpose of improving the community life of the town of Hornepayne, not strictly for obtaining a financial return on the original investment.

"As I am sure you are aware, this is the case with many public sector capital investments. It is expected this ministry's evaluation of the project will be able to demonstrate some of the social benefits of the town centre to the community of Hornepayne as a whole."

As a northerner and somebody who is really involved in planning, economic spinoff and all the social and economic implications, I can see there is some justification for the expenditure of public funds in a similar fashion, but when the minister cannot even get factual information from the major employer in that community, how can he plan in a realistic way so he does not come under fire from somebody such as the auditor of this province?

**9 p.m.**

What does the minister feel? Does he feel as though he has been betrayed or let down by a major corporation, albeit a crown corporation? I am sure the minister was not aware the company was not going to achieve anywhere near the kind of employment statistics it was boasting of in 1975 when this whole plan was conceived. Does the minister not feel a little bit betrayed? Even if the company is successful in closing out Nakina as a terminal, moving people

over to Hornepayne, the minister will want to know it is now in the process of eliminating its complement, its personnel, and is going to send them down to Toronto.

I was on a plane out of Terrace Bay, Geraldton, Hornepayne, Wawa and Sault Ste. Marie two weeks ago. I missed the Grey Cup as a result of it. I was told by people who were on the plane with me that the people who were normally centred in Hornepayne are down in places in southern Ontario getting a better overview of the way in which trains operate in southern Ontario because, in the not too distant future, all the trains are going to be dispatched from some central location in southern Ontario.

Did CNR know or did it not know that all these plans were in the works? In a fair way they are gumming up things for the people of Nakina. They have really gummed up and made the minister look bad in terms of the overall planning in Hornepayne. Just how far does he think those corporations should be allowed to go in their planning, which has such far-reaching ramifications for the kinds of things the ministry gets sucked into, rightly or wrongly, with a Hornepayne centre?

Sure, there are social benefits, but if the minister is convinced there are social benefits for the expenditure of public funds for Hornepayne, is he sufficiently convinced that we should be doing the same thing in White River, Manitouwadge and Marathon, which are going to act as the dormitory communities for this \$6 billion worth of gold we are going to extract from the earth up there over the next 20 years? The minister will know they are going to be the dormitory communities in a very real sense.

They do not have the ability now to tax the industry because it is plunked in the centre of nowhere about 30 to 35 miles from those three communities. I know those three communities are already knocking on the door of the ministry asking for infrastructure dollars for new streets and lots with water and sewer services. I think in at least one instance they are going to require a new school. All these services are going to be there and are being planned for right now with the fellow in the ministry, Ernie Lane, along with others.

We are looking at a resource that is conservatively estimated to be worth in excess of \$6 billion given the present price of gold. It will have a life expectancy of 20 years plus. We collectively are going to spend millions and millions of dollars acting as the dormitory



community for that resource. Who is going to be left to pick up the pieces? We are still looking at the boom and bust syndrome. Since this economic development is based on a finite, non-renewable resource, what are we doing right now to put something in place that would be the equivalent of the old mining revenue payments that were in place before Darcy McKeough scuttled that and brought in the resources equalization policy that he said in a very real sense made up for the old mining revenue payments?

What kind of economic rent are we going to be able to extract from the three major players to date, namely, Noranda Mines, Lac Minerals and Teck Corp.? They are going to spend \$700 million to \$800 million, I am told, developing either two or three mines. What kind of economic rent are we, the taxpayers in Ontario, going to be able to call upon? Are we going to set up a resources development fund so that from the time the very first ton of ore or ounce of gold is taken out we start a reserve fund for the day when that resource will no longer be there and, if need be, we can draw on that fund to help provide some of the facilities that people are entitled to, the people who are going to be the work force and living in those bedroom or dormitory communities, be it a Manitouwadge, a Marathon or a White River?

The minister will know—he was in Marathon recently, and people are already making overtures to him—they may need a little help with some planning and with extending water and sewage treatment plants. The same thing is going to happen in White River and Manitouwadge.

I am not against economic development, but any community that thinks being a dormitory community means all the assessment that is going to accrue to it by way of residential assessment as opposed to industrial assessment is never going to get the proper tax mix. The industry that is responsible for that work force being there is going to have to pay some of the upfront costs. It is different, but in some way it is the same as a Hornepayne.

The minister knows what I am talking about. There is no way those communities can ever even break even by the residential tax structure on the new homes and new services that are going to be demanded, I think justly so, by that work force. Should that come out of the pockets of the taxpayers in those communities? Should that come out of the revenues that are assigned to this ministry? Perhaps we should come up

with some kind of resource payment to get the upfront money so that 20 years down the road, whenever we take the last ton of ore or the last ounce of gold out of there, we will not be scratching our heads and saying: "Where do we go now? What do we do for a Manitouwadge? What do we do for a White River? What do we do for a Marathon?"

We abandon millions of dollars of equity, whether it be in schools, hospitals, roads or water and sewer infrastructure, or whether it be some little entrepreneur who was attracted to the area and thought he had a viable business for a good length of time only to find out that we have another Atikokan on our hands.

Now is the time that we should be looking at it and seeing to what extent the province, the people who create that new wealth and the communities in which they live get some economic rent from that resource that is valued in excess of \$6 billion right now. I do not think we should wait until it is all gone. I think we should be studying right now how the costs of providing those services and of identifying the bedroom communities are derived from that resource that was responsible for the economic development in the first place.

**Mr. Kerrio:** Perish the thought.

**Mr. Stokes:** Sure. Why not?

9:10 p.m.

**Hon. Mr. Bernier:** Mr. Chairman, if I may respond briefly, the member made some comment with respect to the Hornepayne development and the size of that facility. What it means to Hornepayne is as significant as he correctly pointed out. I point out to him that there are changes in the CNR operation, as we have seen right across northern Ontario. The call boys now in Sioux Lookout have been called off now. They are calling from Winnipeg, as they are doing in Rainy River. In Hornepayne we know they are calling from Toronto. That is part of the technological revolution that is going on. It will be difficult for us to stop.

In our discussions with the CNR in the development of the Hornepayne centre, they did indicate to us that they hoped their work force would be expanded by 200 in the Hornepayne area, because Hornepayne would become the major divisional point between Montreal and Winnipeg and the extra work force would be needed because of the extra railway freight traffic that would be generated on that line and their efforts in that direction. But at no time in those discussions did they



indicate that they would consolidate from Capreol or Nakina into Hornepayne. That was never placed on the table. We were never aware that possibility was there.

I want to put some comments on the record. Some members may not be aware of the size of the Hornepayne facility, for instance. I will read a paragraph from an article I have:

"The sprawling, 166,000-square-foot brown-stone centre, two blocks from the railway station at a main intersection, brings under one roof 112 bachelorettes; seven rail lodge units for railway crews; a 34-room hotel and dining room; a coffee shop; lounges; an eight-room, 140-student high school; a library serving schools and the town; 20 rental apartments; 16 senior citizen apartments under rent-geared-to-income; a large swimming pool; a gymnasium and saunas; a shopping mall, including a Hudson's Bay store; doctors', dentists' and health department offices; a police detachment office with two cells; a bank; post office; liquor store and administrative and educational facilities."

All that is under one roof. It is absolutely spectacular.

The member for Algoma (Mr. Wildman) was there. He stood in my presence and that of the Premier (Mr. Davis) and heaped nothing but bouquets on the government for the development of the Hornepayne centre, which we as northerners and the member for Lake Nipigon have rightly recognized as a unique, special, northern Ontario trust.

**Mr. Martel:** Why do you ignore the issue?

**Hon. Mr. Bernier:** The members on the other side are constantly asking this government to do innovative and creative things that are needed in northern Ontario. This is one; it has been done.

**Mr. Martel:** When the CNR doesn't go there, what happens? Who is going to pay for it?

**Hon. Mr. Bernier:** It will be there. They are involved.

**Mr. Martel:** Oh, baloney. They are moving out 40 dispatchers alone.

**Hon. Mr. Bernier:** They are involved and their dollars are there. It is the same thing that has happened at Leaf Rapids and Churchill, Manitoba. There are similar facilities.

Let us hear what the reeve of Hornepayne says: "Those who can leave were considered lucky. Now with the centre, we have it as good as city folk. We have our share of big-city amenities and still have our outdoors. We are starting to feel better about ourselves and to

plan for some real progress for our particular town."

He goes on to point out: "How sharing can be turned into cash benefits is outlined in *The Town of Tomorrow Is Here Today*, a folder that was produced at the official opening." The folder said:

"Building all the required elements under one roof facilitates energy costs and maintenance efficiency. Carrying costs are reduced through the use of one large financing package and sophisticated realty conveyance methods. As important is the sharing of many spaces by several users and the accessibility of all the facilities in the environmentally controlled space. This co-operation leads to increased use of resources to the benefit of the citizens and the facilities that are operated.

"How good is it for Hornepayne? Reeve Chuck MacLellan answered: 'Senior citizens were shut in their homes for a large part of the year, fighting snow and cold to get their supplies. Living at the centre, they now have a healthy contact with other seniors and townspeople of all ages each day and can move around and shop in comfort and go outside if they choose. They even have their own time in the swimming pool. The cost is affordable, a percentage of their income.'"

What does he say about the future of Hornepayne? This is Chuck MacLellan, the reeve, speaking: "Money is coming into the town again. Travellers used to plan their trips so they would stay anywhere but Hornepayne. Now they plan to stay in Hornepayne. Families, groups and couples come for weekends from nearby towns. Tourists including hunters and fishermen turn up because they know they can get first-class accommodation in Hornepayne."

**Mr. Martel:** The CNR is moving them out.

**Hon. Mr. Bernier:** The CNR is involved.

**Mr. Martel:** No, it is not. You are distorting. That was two years ago.

**Hon. Mr. Bernier:** No, I am not distorting. The facts are there.

**The Deputy Chairman:** Excuse me. The member for Sudbury East will withdraw that statement. The minister will resume his seat.

**Mr. Martel:** I will not. He is distorting the facts. You show me where that is in the rules.

**The Deputy Chairman:** The member for Sudbury East is imputing false or unavowed motives to another member. I am calling the honourable member to order and I am asking him to withdraw that statement about distorting.

**Mr. Martel:** Mr. Chairman, if I was saying the member was misleading, that is one thing, but that is not what I am saying. I am saying he is distorting the facts. If there is something wrong with that under the parliamentary rules as we have them today, Mr. Chairman, tell me what it is.

I will tell you what has happened. What the minister is failing to put in that statement is that two years ago, when that occurred, the CNR had not decided to move a whole bunch of people out. The CNR is moving a whole series of jobs out, which is undercutting the ability of that municipality to pay the bill.

The minister knows that and he plays around with something that is not factual. He says they do not have to move. That is right. They do not have to, except the CNR is moving them out. It is not that they want to move out; they are being moved out.

**The Deputy Chairman:** The member for Sudbury East is saying it in a nicer way. Would he withdraw the word "distorting?"

**Mr. Martel:** If I said he was misleading, I would withdraw that, but I am saying he is distorting the facts, and those are the facts.

**The Deputy Chairman:** I am still concerned that the member has left a wrong intent on the part of the minister or another member of the House.

**Mr. Martel:** If I had said he was misleading, I would apologize immediately.

**The Deputy Chairman:** I am still not satisfied, and to clear the air—

**Mr. Martel:** I am not suggesting for a moment that he is misleading the House. I just said he was distorting the facts.

**The Deputy Chairman:** I see little difference. The honourable member is such an astute politician and such a capable man with words, he could at least say he has clarified what it means but—

**Mr. Martel:** I clarified what it means. I am not suggesting for a moment that my friend was misleading the House.

**The Deputy Chairman:** I do not accept the word "distorting" as being parliamentary.

**Mr. Martel:** I simply said he was distorting some of the facts.

**The Deputy Chairman:** I would like the honourable member to withdraw the word "distorting."

**Mr. Martel:** I withdraw it, Mr. Chairman, but I want to tell you, tomorrow you are going to

come in here with a ruling that shows me the word "distorting" is not allowed in this House.

**The Deputy Chairman:** I appreciate that the honourable member has withdrawn. The minister may continue.

**Mr. Martel:** But you are going to bring in a precedent tomorrow that shows that "distorting"—

**The Deputy Chairman:** I am satisfied.

**Mr. Martel:** No. You are not going to play your little game.

**The Deputy Chairman:** I am not playing any game. I am the Deputy Chairman of the House.

**Mr. Martel:** You are going to come in here tomorrow with some precedent that says "distorting"—

**The Deputy Chairman:** The honourable member has withdrawn, and I appreciate that.

**Mr. Martel:** You are going to show me where the precedent says that "distorting" is not allowed in this Legislature. All right? That is agreeable to you, I presume.

**The Deputy Chairman:** We can check the parliamentary background—

**Mr. Martel:** If you can find a precedent.

**The Deputy Chairman:** We will see what we can find. The minister will please continue.

**Hon. Mr. Bernier:** Thank you for that brief intermission. I am glad the honourable member has corrected the record. I am not distorting the facts.

**Mr. Martel:** Now it is all right for the minister to say it, Mr. Chairman.

**The Deputy Chairman:** And that is what it is all about.

**Mr. Martel:** Yes, that is what it is all about.

**Hon. Mr. Bernier:** I mentioned as I was replying to the member for Lake Nipigon that the CNR did indicate to us they were increasing their employment by 200. I am now informed that in 1985-86, the employment will be up to about 480. That is 70 more people than are employed in Hornepayne right now.

**Mr. Martel:** Do you believe that pigs fly?

**Hon. Mr. Bernier:** That is what they tell us. I have no reason to doubt their word. During the tough negotiations we had with the CNR during the development of this facility, when they made a deal, they lived up to that deal. I will make sure they do that in the future.

9:20 p.m.

I want to go on to discuss the concerns the member for Lake Nipigon has with respect to the development at Marathon, Manitouwadge and White River. I share his concern. There is going to be an influx of workers into that area of a kind we have not seen for some considerable time. I remind the member that those resources in northern Ontario belong to all the people of Ontario. I have a similar situation in Red Lake where something in the order of \$50 million has come from the Campbell Red Lake gold mine but it does not really belong to the town of Red Lake, it has to be shared with all the people of Ontario. That is the way it is set up and that is the way it should be.

We are willing to share. We are northerners. If the south shares with us we will share with it, but we want the taxes that come out of that facility to find their way back through the consolidated revenue fund into development in northern Ontario. That is the route we have gone in the past and I think that is the route we will continue to take. There may be a requirement or special need such as for infrastructure. I am not suggesting for one moment the taxpayers of Ontario should pay for all the infrastructure costs at Marathon, which will be substantial, but there may be some public participation required.

We have a responsibility for the development of schools. There is no question about that. We will have to answer that need but I would have to point out the labour force will provide taxes to this province. To get an idea of what the return will be, in Detour Lake alone members will recall during my opening remarks I made the statement that some \$660 million will be returned to the province over the life expectancy of Detour Lake, which is 20 years. That is \$660 million in a 20-year period. That is a lot of tax dollars.

An additional \$15 million will flow to the local economy of the Cochrane-Iroquois Falls area. Those mining developments do contribute handsomely to the tax base of Ontario. As northern members we have the right to go to the consolidated revenue fund through the various ministries and get our fair share of development dollars in northern Ontario. That is the route to go.

I am prepared to meet with people from the Tri-town area. I do not know what name they have been given but they are coming down early in the new year. I do not intend to replace the development dollars that should be provided by the private sector as we did at Pickle Lake, as

the member for Lake Nipigon well knows. While we did assist on a partial basis with the sewer and water facilities in Pickle Lake, the housing developments were the 100 per cent responsibility of Umex Inc. That mine did close because of the economic downturn. The houses are sitting there waiting for that development to come back in. We know what has happened at Pickle Lake but nevertheless we give the incentive to develop that facility with some seed money and an infrastructure program.

We would be prepared to do the same thing in the Marathon, Manitouwadge and White River areas because there is going to be a need. There is just no question.

I remind members I have been around northern Ontario for 50-odd years now. I hear these comments about ghost towns. I really do not know where those ghost towns are. Where are the ghost towns? There are just blanket general statements that there are ghost towns. Go to Atikokan today and there are just as many people as there were three years ago. They are coming back.

The thing is a blanket condemnation of ghost towns. There are none. Those towns continue to remain in place. Sure the economic base changes considerably. I am aware of that but they are there. They are in place.

What do we do? Do we not develop that ore body even though we know it has a finite period of time? We knew that at Atikokan. As members have heard me say 1,000 times in this House, we knew the Atikokan development was a 30-year development program. They knew the day they took the first shovelful of iron ore out of Steep Rock Lake. That was 30 years ago. Wawa is the same way. Right now we are working with Wawa. We know the ore body is going to be exhausted somewhere down the road in 10 or 15 years and we are planning our economic development fund.

Members are voting \$750,000 for this program. We will help them. The funds are there and we are on the right track. What we are doing in the single-resource communities of northern Ontario is being copied in other parts of Canada.

**Mr. Stokes:** Mr. Chairman, since the minister has known about Detour Lake and Hemlo and the need to provide access to resources, the minister has known about all of this and has been involved in it. He knows of the extended care program. He knows how successful the air ambulance thing has been.

A lot of the infrastructure is provided by his ministry. If he accepts the philosophy that we do



not tax the industry at the source but we do it in a roundabout way through the consolidated revenue fund and then siphon it back or direct it back to the Marathons and the White Rivers, how does he justify a reduction of \$20,600,000 in this fiscal year when the need is greater than ever before?

**Hon. Mr. Bernier:** I am most pleased the honourable member brought this up. He has heard me answer this question during question period, I believe, when the estimates were first tabled. I pointed out to him at that time that when we developed we had the capital construction dollars, not only for Minaki Lodge but for Detour Lake, and these were add-ons. We went to the government at that time and saw a need to develop a major world-class recreation facility at Minaki. We took our case—

[Applause]

**Hon. Mr. Bernier:** Thank you very much.

**Mr. Kerrio:** René is one of the few people who can afford to stay there.

**Hon. Mr. Bernier:** You can afford it. With the salary the members opposite are getting, they can all stay there.

**Mr. Piché:** It is cheaper than living in Toronto.

**Hon. Mr. Bernier:** Yes; he was there.

The point I am trying to make is these were specific add-ons to our budget to develop Minaki Lodge and to build Detour Lake. When we pleaded with the Treasurer (Mr. Grossman), Management Board and the Premier to add this to our budget, it was for those specific purposes. We cannot build that into our base for ever. It would be dishonest on our part. I do not think it would be right. We got the money to develop Minaki Lodge and we did it. We got the money to build Detour Lake, some \$30 million over a two-year period, and we did it. So it has to come off.

I would love it to stay. As we add on major programs like that, if we could add it on to our base it would be great. I would be the first one to cheer. But I do not think it would be correct.

**Mr. Stokes:** Given the minister's tax philosophy, is he going to come in with supplementary estimates to provide the infrastructure needs for the Manitouwidges, the Marathons and the White Rivers in the forthcoming fiscal year? We cannot wait until 1985 for these things to get under way. We do not want everybody living in tents up there.

**Hon. Mr. Bernier:** I am most anxious to meet with the steering committee and the planning

groups up there to see how this ministry can assist in the development of that major development in that area. If there is a need for some public funds to develop infrastructure, we will find the dollars to do it.

**Mr. Kerrio:** Mr. Chairman, I have an area of concern that I have raised as a perennial concern with the Minister of Natural Resources (Mr. Pope). I am not one to keep running over the same side of the line where all the strength is. I have just run out of plays over on that side and I thought maybe the Minister of Northern Affairs might co-operate a little more with the concerns we have in relation to wildlife.

Before I get into that, though, the minister has gone at that Minaki Lodge thing once too often and I have to make a comment about that. I do not know why it surprises the minister that the members on this side, when they see something that is spectacular or impressive, are entitled to say what the member for Lake Nipigon said about Minaki Lodge. I do not think it has a thing to do with the economics of it or anything else.

I have to think that if the people in that part of northern Ontario had their druthers and they had \$45 million to spend on a broader base, instead of creating 140 jobs for northern Ontarians and a big fat fee for the American consultants I am sure good-thinking people would have used that \$45 million to provide many more jobs than they have.

**9:30 p.m.**

Let us go back to the truth of the matter. The management of this Conservative government for some reason withstands the worse kind of involvements. They put in \$500,000; if they were prudent business people they would have taken their lumps and said, "We lost \$500,000, we will let it go at that." Oh, no, they thought that to protect that \$500,000 they would get Minaki Lodge open to the public and recover the \$500,000 investment.

I have to say this and many things said in jest come to pass. I have a feeling that it is going to take 140 per cent occupancy to break even. I just have that kind of feeling, the investment is that bad. A true Conservative could hardly justify participating in such a venture.

It is a good thing Margaret Thatcher went home because she just would have to excommunicate all the people on that side. There just is not a Tory left anywhere in Ontario. The minister knows that and he cannot justify Minaki. No matter how he turns it, it did not provide jobs.

Certainly it is an edifice that we could all be proud of and we are not suggesting we are not, that Canadian pride will come through. The fact is we have invested \$45 million to salvage a \$500,000 investment and no matter how we turn it, no matter how beautiful the place is, we are not going to recover the investment. He should set that to rest and one time get up and say he has made a real big boo-boo and we have to buy it.

**Mr. Eakins:** If one writes to Minaki Lodge, one has to send the letter to Winnipeg.

**Mr. Kerrio:** Yes, I guess, or they may have an American office.

That is not the particular issue I wanted to bring to the minister's attention. The issue I would like to talk about is one that is very disturbing. When I think in terms of how a country or part of a country or a certain province gets a reputation, I think in terms of many years of exposure or providing some kind of facility that another jurisdiction does not have.

To those outdoors people who hear the term "northern Ontario," it immediately conjures up a vision of beautiful streams, nice woodlands and wildlife in abundance. I have to tell the minister that is the way it used to be, but is no longer. We now find a government that has been in place for 40 years, that has had the complete management in its hands. There is just no one else to blame for what has transpired in the wildlife responsibility that it has.

I am sure that if the northern members on his side were free to really say what was on their minds, they would agree with me that we have degenerated to the point where he now has to manage the hunters instead of the wildlife. That did not have to be. There has been an experience in Sweden with the regeneration of forests that took into account many things other than putting pulp through the big paper mill and polluting the streams. They went into wildlife management that put fire breaks into reforestation, that put in cover for wildlife and they certainly set aside enough to harvest pulp with. By doing that, in 25 years—this is simple arithmetic, those people have been sitting there for 40 years—the moose herd has proliferated to the point where they really have a serious problem on their highways of having too many moose because of the circumstances they provided for that wildlife.

The facts here are that this has not taken place, and it is strange how little messages come to us in a unique way. The Premier, the Deputy

Premier (Mr. Welch), the member for Welland-Thorold (Mr. Swart) and I—I do not know if the member for Erie (Mr. Haggerty) was there or not—attended the opening of a paper recycling plant at the Thorold paper mill. By and large the top dogs at Ontario Paper are a little on the blue side and, of course, they were telling the Premier what a great and wonderful guy he was for helping with the financing of the project.

But a little message slipped out, inadvertently or not I do not know; maybe they are not politically oriented and did not realize that some of us would use some of the material that was given us on that date. One of the very senior executives of Ontario Paper got up, made a wonderful speech and told us how they were now going to be able to take newsprint and recycle it and that this it was very timely because their pulp supply was beginning to dwindle. Who would ever have thought that in Ontario, of all jurisdictions, we would be concerned about a pulpwood supply? There are strange contradictions in all of this as it unfolds before us.

The minister mentioned to the member for Lake Nipigon that he could take money from the consolidated revenue fund and do things with it because the tax dollars were coming in from the mining companies. The Minister of Natural Resources said that he cannot put a fishing licence in place because he cannot use the money, since it goes into the consolidated revenue.

The minister is nodding "yes," but I am asking, if the Minister of Northern Affairs can do it, why can the Minister of Natural Resources not do it? The people are crying for a fishing licence and for the stocking of our streams.

**Hon. Mr. Bernier:** Mr. Chairman, if I may interrupt just to correct the honourable member, what I did say was that tax dollars flow into the consolidated revenue fund and it is up to us as specific ministers to budget and get our share of that fund to spend on our particular programs.

**Mr. Kerrio:** Exactly.

**Hon. Mr. Bernier:** There are no dedicated funds per se.

**Mr. Eakins:** So you cannot do it for fishing.

**Hon. Mr. Bernier:** Yes, that is exactly right.

**Mr. Kerrio:** I understand exactly what the minister said, and I do not want them to dedicate funds completely. But I am sure that if there were a fishing licence and certain numbers of dollars were put into consolidated revenue from that source, the minister would be

able to justify spending those funds on the stocking of our streams.

It really is a sad, sad story that now people are beginning to hunt in Pennsylvania, in New York state. They are doing a much better job than we are in northern Ontario in what were considered barren lands as far as wildlife is concerned. It is just hard to believe that there are now many people who leave our jurisdiction to go south to hunt.

I would like to impress on the minister the need for forest management that would include wildlife, that would include more dedication to our streams and to cleaning up our streams, that would allow the fish to live in those streams.

I have to say this as another aside. The Minister of Natural Resources is boasting about the fact that we have private clubs participating in fish stocking. With the numbers of people who come to Ontario, to what used to be one of the great fishing spots on the continent, it is hard to believe that a government that turns over \$25 billion has to look to private clubs to do some of the stocking.

**9:40 p.m.**

I wonder if the minister would take it upon himself, having the interests he does, as I do—I take much of my leisure in northern Ontario; I certainly feel pretty proud of that because while some of the minister's fellow caucus members are basking in the Florida sunshine I may be up in Temagami or Timmins or some of those northern communities doing some skidooning and fishing. I do not expect I will be staying at Minaki unless my friend the member for Cochrane North (Mr. Piché) decides he is going to entertain some of the members.

I think I have a legitimate concern about the Minister of Natural Resources just being an apologist for what is happening to our northern reforestation. I would hope he might get aggressive and say he has an interest in the monetary aspects of northern Ontario. As he talks with pride about the wonders that are provided there for the visitor, I would hope he would lead a kind of resurgence for northern Ontario to get the forest back in a way that wildlife will proliferate there and tell the man behind him who is in charge of environment and who gives us the baloney about how safe the drinking water here is in Lake Ontario that we cannot eat the fish. That is a bit of a contradiction, is it not?

The minister prints all kinds of brochures to tell one to be careful about eating the fish. Somewhere there is a message there. It gets a little confusing because there are some very

astute consultants who come into this picture, brought in by some of the people who are supposed to protect our environment. However, we find out that the simplest test of all is the old miner's test: when that little canary goes feet up in the cage, one knows one had better get out of there because the air is not too good. Now it has come full circle: some of the best research facilities in the world test for water quality with small fish.

While his colleague says the water is safe in Niagara and Lake Ontario, it just seems very strange that the commercial fishermen had to stop selling the fish and were cautioned to eat just once a week some of the fish that come out of that water. Facetiously, I said they are going to have provide drinking water for the fish pretty soon because the water is not safe to drink.

**Mr. Stokes:** You will not like this, but we finished those estimates last week.

**Mr. Kerrio:** That does not matter because I have not been able to do that with that other minister. He has not budged. But I thought this minister, because of his interest in northern Ontario, might take the initiative in—

**Mr. Stokes:** We do not want to hear those estimates again.

**Mr. Kerrio:** That is fine, but I have a particular interest here because I have tried three times on that other minister and now I am asking the Minister of Northern Affairs to see whether he could add his good offices to those many hundreds of people out there who would like to see the quality of life in northern Ontario improve, not only for the residents but for the visitors who would bring in untold numbers of dollars to help that northern community.

I hope the minister might take some of those comments into account and, if not for me, maybe for future generations have Ontario regarded as the great paradise for the outdoorsman that it used to be.

**Hon. Mr. Bernier:** If I could respond to the honourable member for Niagara Falls (Mr. Kerrio), may I thank him for his participation in these estimates and his interest in northern Ontario generally. I appreciate that.

For a member coming from one of the more southerly parts of this great province, he made some comment with respect to northern Ontario and the image we have or the attitude. He said it is a playground, a paradise of beautiful lakes and streams, and has all the good things and the quality of life we know so much about.



I have to tell him I get very annoyed when I get up in the morning, turn the radio on and hear the weather report coming in from these Toronto radio stations saying there is snow coming in from northern Ontario. There is a blast of cold air and it is coming from northern Ontario. Anything that is bad that happens in Toronto is coming from northern Ontario.

We should be regarded as western Ontario; we should not be northern Ontario. Those people have no right to call Chatham and Windsor western Ontario. That is southern Ontario. Winnipeg is western Canada. We are 140 miles from Winnipeg. That should be western Ontario. Perhaps the attitude would be a little different down here.

I do not know if they would be so quick to point out that ice and snow come from western Ontario. They might change their attitude a little. It is bad publicity. I hope some day the media will look at it differently and say some different things about what comes down from northern Ontario. All the beauty, the strength and the quality of life to which the member refers are really there. There is no question about that. The daily reports that come on the radio sometimes discourage me as they relate to weather.

I also want to comment on the funds that were spent at Minaki Lodge because this constantly comes up. I have to say the millions of dollars that were spent on Minaki were not sent to the moon. We did not take the \$30 million-odd and blow it somewhere.

Interjections.

**Hon. Mr. Bernier:** Wait a minute. The architects, the planners and the designers were from northern Ontario. All the major contracts for that facility were from northern Ontario. All the employees who rebuilt Minaki Lodge were from northern Ontario. All the material, or 98 per cent of it, was bought in Ontario. The jobs were created in Ontario for northern Ontario people. Is there something wrong with that?

We built a road to Minaki and that road goes to the Whitedog Indian reserve. I dare any one of the members over there to deny that Whitedog reserve should have a good road. Not one member would stand in his place and say it was not worth the \$13 million to provide our native people with a good road; he would not.

Is there something wrong with developing a nice airstrip and airport at a strategic spot in northern Ontario to serve that vast tourist area? I can only say, do what the member for Lake Nipigon did. He went to Minaki. He came and

he saw. Do not listen to the Toronto media because one scribe says it is a white elephant. He will not go up and look at it, but if So-and-so said it, it must be true. They copy what the other guy said and the first thing one knows, the three major newspapers are calling it a white elephant because they do not have the wherewithal, the guts or the courage to go up and look at it and do some decent research. The member for Lake Nipigon did and he wrote "fantastic."

**Mr. Eakins:** Why does one have to write to Winnipeg for reservations?

**Hon. Mr. Bernier:** One does not; one writes to Minaki.

**Mr. Eakins:** They advertise Winnipeg.

**Hon. Mr. Bernier:** Minaki was not developed for the market in Toronto. The market is Winnipeg, Minneapolis, Milwaukee and Chicago. Within 700 miles of Minaki, we have a drawing population of close to 70 million people. A lot of people do not realize that. It is not the Torontos or the Hamiltons that will keep Minaki Lodge filled. There is no way; we do not need them. We will draw from Winnipeg, Minneapolis, Kenora, Milwaukee, Chicago and Des Moines, Iowa. That is what is going to fill Minaki. The foreign dollars Minaki Lodge will bring in will help the balance of payments. There is no question about that. The member should be my guest and come up and see.

I also appreciate the member's comments and concerns about wildlife in northern Ontario. While it is not part of these estimates, I will make sure my colleague is made aware of his concerns. As one who is an ardent fisherman and hunter, I do not have any trouble shooting moose. This year is the first year in 15 years I did not go out. I have shot a moose for the last 14 years in a row. I have always got my moose.

In fact, coming to Queen's Park today, I drove from Hudson to Sioux Lookout. What did I see this morning at about 6:30? There were four beautiful moose on the highway. My son drove me to the airport, and there they were. There is an abundance of wildlife, but one has to come up to see it and participate.

9:50 p.m.

I have a summer camp on Big Vermilion Lake. It is a beautiful lake. It is a lake-trout lake. I have no difficulty getting my three lake trout any time the season is open. In the middle of July, August or in the spring, I have never had any difficulty getting my limit of lake trout. But one has to fish and work at it.

I am very confident that the Ministry of

Natural Resources is as concerned as the member about the future of wildlife. They are improving their management practices on a regular basis with regard to moose. We know they have management zones right across northern Ontario. They are trying to improve the habitat. They are changing the seasons and the bag limit and they are charging more for the licences needed by nonresidents coming to hunt. On all fronts they are moving in the right direction.

I have to tell the member, as it relates to wildlife, not to believe everything he hears about Sweden. I went to Sweden about four or five years ago because I used to hear from these fellows over here about how great things were in Sweden. I took it upon myself to go to Sweden and I was shocked and amazed at the problems they have in that so-called socialist country. They do not have the answers to all the problems. When I got there, I found they had problems galore.

I recited the problems they have chapter and verse about four or five years ago in this House. I have never heard any more about Sweden. That was the end of Sweden. Come to Minaki. Do not bother going to Sweden. There is all kind of wildlife in northern Ontario. If the member has any difficulty, I will be his guide.

**Mr. Van Horne:** Mr. Chairman, I do not want to shock the minister or the members, but I would like to ask a question about the estimates, the dollars I see in front of me on page 4 of the estimates book. The actual for 1982-83 is listed as \$180,295,111. The estimates for next year are indicated to be \$158,457,900, leaving a net difference of \$21,837,211. The major areas of cutback are in economic development, transportation and community development. I would hope in the remaining 35 or 40 minutes we have in these estimates we might get some elaboration on those three areas and why there is less money budgeted throughout the estimates in those three major areas.

The member for Sudbury East (Mr. Martel) may have a comment to make—perhaps I have cut him off by jumping up at this point—but if he has something to say, while it is nice to wander around the lobbies of our Minaki minds for an hour or so, it is very bloody unproductive when it comes to looking at the dollars we are supposed to be talking about. Let us get on with the dollar estimates.

**Hon. Mr. Bernier:** I think the member will recall I mentioned to the member for Lake Nipigon that there was a reduction with respect

to the capital dollars used for Minaki Lodge and Detour Lake. In other words, we had some added on because we went to Treasury and Management Board and through the process to ask for special capital funds to develop Minaki Lodge and the Detour Lake project. We felt that was very significant. We did not have it in our base budget. It was an add-on. We were given these extra funds over a two-year basis. Once those projects are complete, then we will go back to square one.

**Mr. Martel:** Mr. Chairman, my friend across the way makes a great deal about Minaki Lodge and the money that is spent; yet earlier this evening he refused to indicate to the Legislature about that great promise for the people of Minaki that they would have the jobs. My understanding is six whole people from Minaki are working there. He can brag about it.

We were in Winnipeg and the member for Essex North (Mr. Ruston) drove from Winnipeg to see Minaki. He could not afford to stay the night and he came back to Winnipeg.

**Mr. Ruston:** Oh, now, that was just when I was working in the courtroom.

**Mr. Martel:** Well, he could not.

I want to deal if I could with the idea some of us proposed when this ministry was created. As my colleague the member for Lake Nipigon was talking about a while ago, some of us proposed funding because all of us in the resource field know that once one the first shovelful is taken, it is the beginning of the end.

This ministry and this government should be setting funds aside. We tried to move such a motion. We called it a tomorrow fund for want of a better name. When that last shovelful came out of the ground, there would be a slush fund with which to establish another industry in that municipality rather than watch it go down the tube.

This government can argue that over the years it has done well. In fact, it has not. One can look at Elliot Lake, which went down the tube for 10 years and people lost their shirts. People walked away from houses and simply boarded them up. Their investment was gone. Worker after worker as well as small businessman after small businessman lost their shirts. One could go beyond that municipality. One could go to the town of Capreol, which is having terrible times because of Canadian National and a mining industry.

CN conned the government in Hornepayne. The minister can get up and quote Red MacLellan

all he wants, but when the railroad simply moves people out, after allowing things to develop as they did in the town of Capreol, he has problems. They put additions on two schools, opened up subdivisions, put an addition on the high school and then CN decided it was going systematically to take one department after another to pieces and reduce it.

Those people who remain in that municipality pick up the tax tab. That is what is happening in Capreol and that is what is going to happen in Hornepayne. That is what happened in Elliot Lake and in Kirkland Lake. The list is endless.

What we are saying is that this government should have a policy. My friend the member for Cochrane North (Mr. Piché) has the same problem in his own municipality. After being in power for 40 years, somewhere along the line this government is going to have to get enough sense to do a little taxing, to have a little reserve so that when an industry in a one-industry town closes down we have the funds to establish something else to take its place.

That is why we moved that motion when the Ministry of Northern Affairs was created. The minister can do what he did at Atikokan when he ran around and tried desperately to get in something. He could get a bakery, which would create 10 jobs. But in a one-industry town one cannot resolve the economic problems with a bakery and a little bit of Ontario Hydro which, I understand, will close eventually anyway. That created 70 jobs, but how many were lost in the mines? That amounted to 600.

That is why for years we have urged this government to establish a policy which would have set some funds aside because we know that in all one-industry towns in the north, there is a termination date. This government ignored our motion when this ministry was created. It voted against it and it still does not have any reserve against the inevitable in northern Ontario.

This government stands condemned. No Tory back-benchers ever have the guts to get up and say the same thing, although they then fight and scream as they are doing in Cochrane to try to get another industry in a plant that has closed down. But if there was a reserve there, a fund which the government could draw on to establish a new industry, it would protect the capital investment of the home owners, the workers and so on. Is it too much to extract a surcharge from the resource industry, whether it be forestry or mining, and slowly build up that fund?

No, the government comes cap in hand, as the municipalities have, to try to save them.

**10 p.m.**

I listened to the member for Cochrane North talk about the plan for a committee for a plant up there and how he will be serving on the committee. It is all wishful thinking. If there was a reserve fund or a tax on the resource base that would leave us with some capital available to develop something, then we would be doing something sensible. This government votes against it all the time, as it did when we moved the amendments when this ministry was created. It will not do it. It allows these municipalities to suffer the anguish or workers to be wiped out when their only equity after a lifetime of working is their homes. They can walk away, board them up and leave them.

The minister says, "Name another town." The biggest ghost town in northern Ontario was created by this government. I remind the minister that they closed Burwash with its 200 jobs and walked away from it after spending \$4.5 million the year they closed it. They thought nothing of it, and it sits there like a white elephant, empty, with a new gym with three basketball courts on it and new quarters for staff, 42 rooms, which have never been used except for three months. There are all of the houses with new windows, doors and new aluminum siding. It sits there vacant.

They opened a new institution in the riding of the Minister of Transportation and Communications (Mr. Snow) at the same time they were closing one down in the riding of Sudbury East and wiping out 200 jobs. Let the minister tell me about the planning and thinking that goes on.

**Hon. Mr. Ashe:** Are you crying again?

**Mr. Martel:** I am not crying. I am talking about the realities.

**The Deputy Chairman:** Order.

**Mr. Martel:** Watch a whole town get wiped out; that is all right. This government has an investment of tens of millions of dollars there, and the facility is sitting there and has sat there vacant for the last seven years. Let the minister tell me about it.

I want to talk about three other very minor points. With respect to the transportation system from Capreol right through to Sioux Lookout and so on, the minister knows there are three days of service: three days in one direction and three days coming back. It is a disgrace. The women sit in the bar car because it is one



and the same, and people are just hammered out of their heads; they bring their own drinks.

I was on the train because the crews asked me to travel on it. There are little kids in the seats, and the cursing and swearing that goes on in those trains is unbelievable.

Does the minister know what the meals are? Hot dogs, canned stew and canned spaghetti. There is not even a tray to put it on; they put it on the window ledge. One woman who was riding the train had hot soup spilled into her lap; there is not even a tray. They start to get drunk around Hornepayne and they come through to Capreol. The train crew cannot work because they have a liquor bar running up and down the aisle. There is half a coach and half a baggage car. If you happen to be a hunter and it is full, you leave your moose beside the tracks; and if it happens to be cold, it is too bad. The night my colleague the member for Nickel Belt (Mr. Laughren) and I travelled on it they were so plastered they could not stand up. The crew could not work.

This goes on, and this is the minister responsible for northern affairs. If you wrote to the former federal Minister of Transport, Jean-Luc Pepin, you might as well have talked to the wall. All the federal minister does is write Via, and Via prepares an answer for him. I have forgotten more about railroading than Jean-Luc Pepin or that clown from Via who writes those letters to me will ever know.

What happens to the tourist industry along those routes when there is no access by road and every second day people cannot go in or come out? It destroys the whole tourist industry along that route. In fact, there is a consumer group that travelled some 7,000 miles by rail last year in Ontario and the rest of Canada and they said the worst passenger service in all of Canada was in northern Ontario. That was their conclusion.

I hear the platitudes about this service. I people in southern Ontario knew what it was like to get out of a community only every second day, stuck where there is no way of getting out because there are no roads, one might find that they were a little more sensitive to the needs of people who make that tourist industry viable in northern Ontario. If they were not there, those tourist bucks would not be coming into this province.

What was the great promise? Passenger service in perpetuity. That is what we were promised. Every second day on a stinking little train is a disgrace. The crews are so disgusted they cannot work. In fact, if a brakeman is missing,

they go without him; so there is a two-man crew. We travelled on a holiday weekend very deliberately. People were literally standing in the aisle because they did not put on an extra coach.

I got a letter from a woman recently who said the service is so bad that they took four taxicabs to take the passengers from Ottawa as far as Pembroke. Then they filled up that great famous Budd car, and people stood from Ottawa to North Bay before they got a seat, which is contrary to every safety rule in the railway.

We write to Jean-Luc Pepin and Via and they give us nonsense answers. They say it is unfortunate. They cannot make predictions on how many passengers there are going to be. But the railway crews who are working there, realizing they need an extra car, do not have the authority until they get permission from Via to put on another car. Via will not give it; they will allow up to 30 people to stand.

Where are we? Where is this government after its report on transportation? I guess that is why the member for Cochrane North (Mr. Piché) moved his request for a commissioner to deal with northern transportation. The service to people in northern Ontario stinks; it is a disgrace. How the tourist industry lasts and how the people survive, the government could not care less. If it did, it would not put up with it as a government.

In Toronto, they will put on the GO Transit, or something else, to move people in a decent manner, but not in northern Ontario; they can ride around in cattle cars.

I want to talk about one other point, the local roads boards. This year, if there is additional funding, is the minister going to make it possible for local roads boards—

**Hon. Mr. Bernier:** Local service boards?

**Mr. Martel:** Local service boards or local roads boards; both.

**Hon. Mr. Bernier:** Road boards are under the Ministry of Transportation and Communications.

**Mr. Martel:** I understand that. I am talking about local roads boards. I understand that they come under the Ministry of Transportation and Communications, but the funding for government works projects under the Canada-Ontario employment development program comes through the Ministry of Northern Affairs; it has a large influence. Those local roads boards can get funding for roads, only from the Ministry of Transportation and Communications. There is nothing else in those communities. There is no other authority.

I am wondering whether this minister could take it upon himself, when the programs come out, to see to it that those local roads boards are aware that there is a mechanism upon which they might be able to draw to provide some service.

The one I am thinking about in particular in my own area, because I have had great difficulty with it, is brush clearing along roads where school buses are travelling. The local roads board does not have enough funding to do the job, and the Ministry of Transportation and Communications will not do it. That could be a meaningful job in those areas. More important, it would clear the rights of way so there is less danger to the young people riding those school buses.

Although we tried to get some last year, it was not possible. I am hoping when the minister reviews whatever might be forthcoming in the next fiscal year, he could ensure that if local roads boards make applications, they will be processed in the same fashion as those people who have authority, whether it be a local services board or a municipal form of government.

Finally, has the minister decided whether he is going to give me a fire truck for Awrey?

10:10 p.m.

**Hon. Mr. Bernier:** The member left the most difficult question to the last.

If I might respond to the comments of the member for Sudbury East about the tomorrow fund or some other name he used. He referred to it as a slush fund. I would not go along with that description. Nevertheless, I gather what he means is a fund that would be designated for future concerns and considerations that may be required by single-industry communities when those resources are exhausted.

**Mr. Martel:** And taxing the resource base to do it.

**Hon. Mr. Bernier:** Basically we have that in place today and it is under the Ministry of Northern Affairs. We have a regional priority budget. I am just going through the list. I was talking to my deputy minister a few moments ago and we went through the list very quickly. This is a list off the top of our heads; I do not have any documentation, but I want to put it on the record because it represents a significant amount of assistance. It has done exactly what the member's fund would do.

I will start with Elliot Lake. We have seen the development of Rio Algom and Denison mines in the last few years as a major expansion. The

taxpayers could not carry the responsibility for major infrastructure requirements that the new population would demand. The mining companies were being taxed. We can argue about the level of taxation, but we came up with the necessary funds, \$3 million over a period of time, to make it happen. That is on top of what the Ministry of the Environment put in place for its requirements.

**Mr. Martel:** You did not put new business in there.

**Hon. Mr. Bernier:** We put it in there and the communities and homes are there.

What did we do? We put \$250,000 into Kirkland Lake for the same reason, because the local people could not afford it. The Ministry of the Environment would provide only a specific grant which is a firm fixed program. We topped it up. We topped up Red Lake with close to \$1 million on top of what MOE would put in there for sewer and water structures.

In Fort Frances, development was literally curtailed and stopped because it had no sewer and water services and no water tank. They received \$1 million from the Ministry of Northern Affairs to make it happen.

What did we do in Matheson? We did the same thing. They were entitled to so many dollars under the grant formula of the Ministry of the Environment and Ministry of Transportation and Communications. The local tax base was so small they could not afford it. We put in \$200,000. The member knows very well what we did at Atikokan. After the ore was exhausted, there is still a town of 5,000 people flourishing in Atikokan today because of our assistance and because of the 15 new industries that are established in business there. They are small businesses, but they are operating, manufacturing, and creating jobs.

**Mr. Martel:** How much did the town go down?

**Hon. Mr. Bernier:** Certainly it went down, but there are other economic bases and other places they can go.

**Mr. Martel:** That is what I am talking about and the type of fund I am talking about. You are talking about a totally different thing.

**Hon. Mr. Bernier:** They are not ghost towns.

Pickle Lake is another example and the member for Lake Nipigon will be familiar with this. When Umex moved out there was a sewer and water debt that town could not support or carry. Who came up with the money? We took it

out of our tomorrow fund, call it what one will. Northern Affairs bailed that community out.

What did we do in Schreiber? Ask the member for Lake Nipigon. It is his home community. Schreiber could not make the sewer and water project happen. We put up the necessary funds and made it happen. In Hearst, we put in a sewer and water facility that brought a new industry to Hearst. The Woodex operation in Hearst was made possible with funding from the Ministry of Northern Affairs. In Longlac, we put up the necessary few dollars to tie the water facilities from the town to the Indian reserve to make it happen.

The member knows what we did in Hornepayne. We put in over \$3 million in a unique pilot northern Ontario development in Hornepayne. One million dollars was paid by the Ministry of Northern Affairs for a new treatment plant in Blind River; from the tomorrow fund or from Northern Affairs, it is exactly the same thing. The member knows what we did at Gore Bay and even what we did in Valley East when it wanted an industrial park.

**Mr. Martel:** What?

**Hon. Mr. Bernier:** Who came up with one third of the money? It was the Ministry of Northern Affairs helped put it there. They came to us. It was not there before we had the Ministry of Northern Affairs; the money was not available. The member's fund for tomorrow is right here, resting in the Ministry of Northern Affairs.

**Mr. Martel:** Today, yes.

**Hon. Mr. Bernier:** I agree with the member's comments with respect to Via Rail, 100 per cent. Via Rail as it relates to rail passenger service in northern Ontario is a total disaster. Through my area and through the Dryden area it is a total disaster, and we should lay it on the doorstep of the federal government.

I hope the official opposition of this province will yell and scream, go down to Ottawa to their cousins and plead with them to look at a decent rail system for this country. Please, I implore them; I beg them. The federal government will not listen to us or the third party, but maybe it will listen to them.

We are doing all we can with the Ontario Northland Railway. We have good service in northeastern Ontario. My colleague the member for Cochrane North (Mr. Piché) passed a resolution but he did not condemn the ONR. He complimented it on what it is doing because it is providing good rail service in northeastern

Ontario. The modern Trans-European Express train service is second to none on the North American continent. We have great plans.

**Mr. Martel:** You can have an Amtrak in the rest of northern Ontario. Why can't we do the same as Amtrak? They do it in southern Ontario.

**Hon. Mr. Bernier:** We are doing great things in northeastern Ontario with our rail service.

There are greater things coming. But I tell the member that this Legislature should come down hard and firm on the federal government and Via Rail with respect to rail transportation in this country. I wish private members would stand up every Thursday and bring in a private member's resolution condemning the federal government on the rail passenger service in this province.

**Mr. Martel:** What is the minister doing about it?

**Hon. Mr. Bernier:** I am phoning, I am writing and I am screaming at every opportunity. We are doing studies. We are doing everything. It is their responsibility but the federal government is too prone and are anxious to opt out and pass the responsibility to somebody else. They have a transportation responsibility and we are going to hold them to it.

Getting back to the other item the honourable member referred to with respect to local roads boards and local services boards, he is suggesting the local roads board be considered for grants under the Local Services Boards Act. I regret that cannot happen. We discussed that during the setting up of the boards themselves. The Ministry of Transportation and Communications gave them the sole, total, exclusive responsibility for roads. If there is a group of people who want to form a local services board, they can be my guest. We will be there to help them tomorrow morning.

**Mr. Martel:** Yes. I was there, if the minister will recall.

**Hon. Mr. Bernier:** Yes, I know. Just give us a nucleus, a pocket of population and we will set up a local services board that will guarantee them one for one on their operational costs.

If it is explained to them and sold to them, it is better than the local roads board. They can qualify for the various programs that we have, the Canada-Ontario employment development program and the new employment expansion and development program, which are designed to help them on the little programs the member made reference to.



With respect to the member's fire truck for Awrey, my answer is yes, in the next fiscal year.

**Mr. Martel:** I thank the minister.

**Hon. Mr. Bernier:** The member is welcome.

**Mr. Wildman:** Mr. Chairman, I have a couple of questions with regard to the Hallmark Hornepayne Town Centre, which I know was discussed earlier. I will not go on at length about it, but I notice from Hansard that the minister says I heap bouquets on it. I certainly agree that the services which are needed in Hornepayne have been provided through this centre. However, I am concerned about the comments in the auditor's report with regard to the initial need for feasibility studies which he says were not carried out.

I would like to know if that is the case. I know the auditor is still awaiting the official response of the ministry to that. Is it the case that initially feasibility studies were not completed? Could the minister tell us the operating deficit for the public facilities in the centre over the last year?

I understand that as of last week the interim agreement between the municipality and the ministry was extended for another year under which the ministry would continue to operate the centre pending the final resolution of the question of the leases. I would like to know what those figures are so we will have some idea of the costs over the next year. Perhaps the minister could explain what he sees, on the part of his ministry now, for the possibility of resolving the question of the leases with regard to the high school, the library, the swimming pool complex and that sort of thing, the public sector facilities which are municipal.

Does it look as if there is going to be a resolution of that? If so, what kind of time frame are we looking at? What is the cost in terms of the deficit for last year?

10:20 p.m.

**Hon. Mr. Bernier:** Mr. Chairman, with respect to the Hornepayne centre, we did have considerable discussion on the project itself. I placed on the record the information on the size of the complex, the magnitude of the complex, the amount of planning in that development, the thrust of it being a pilot project, a unique project for northern Ontario, because people such as the honourable member are constantly asking for special, unique programs in northern Ontario to meet those special needs. We did answer that call. Some in-depth studies were done by Canadian National with respect to its portion of the operation. Hallmark Hotels did its own studies.

With respect to the government's requirements in the centre itself, the need for a feasibility study as such was not that real. All we were doing was taking into account those facilities, such as the liquor store and the Ontario Provincial Police facilities, the need for a hospital, public health services and a library. A formal feasibility study would not really affect that because those are ongoing costs and requirements of the community.

In some instances we may have advanced the need for a new facility. In other words, I think the OPP could have stayed in their own facility for another three or four years, but we had to cut that time short. We did the actual feasibility study in our review of the requirements of each separate ministry, and there were something like eight ministries, but it is in place.

I think the honourable member will agree the official opening was a success. I was most pleased to have him there to heap bouquets on the government. The co-ordinating efforts of my ministry brought the federal government, CN and Hallmark Hotels to the table as well as eight other ministries. It is a very complex leasing agreement, as he well knows because he was part and parcel of some of those decisions.

I am told the operating deficit for last year is about \$107,000. I was not aware we were going to go on for another year; we had to do that because there was some uncertainty on the part of the municipality as to what the deficit would be. That is very fair. We were trying to be fair and reasonable; we would operate it for a time and then the municipality would have an opportunity to see what its ongoing cost would be.

I am sure we can resolve our differences. I understand discussions are still continuing and we hope to resolve those differences very shortly.

**Mr. Wildman:** Mr. Chairman, I would like to expand on the rest of what I said at the opening and recall for the minister that at that time I pointed to the comments which had been made by the then Ministry of Treasury, Economics and Intergovernmental Affairs prior to the establishment of his ministry. It had assured the municipality that the additional assessment from the private portion of the centre and the accruing municipal taxation would balance off the operating cost and that there would not be additional cost to the local ratepayers. I mentioned that at the opening, as I know the minister recalls.

If he is looking at a deficit in the range of more than \$100,000 for the first year—and I think a lot of that has to do with the operation of

the recreational facilities, especially the swimming pool—I hope we can resolve those questions of the leases on the basis on which the municipal council went into this, namely, that it would not see significant increases in local taxes in order to maintain the operation of the centre which does, as I fully agree, provide services that were badly needed in the community and which has enhanced the amenities in the community.

**Mr. Stokes:** Mr. Chairman, for the few minutes we have left, I want to ask the Minister of Northern Affairs if he monitors the activities of other agencies? I have a copy of the northern Ontario rural development agreement annual report. I know there was some funding made available through it for tourism, agriculture and for other entrepreneurs. Does the minister monitor the figures put out by the Ontario Development Corp. through the Ministry of Industry and Trade?

Interjections.

**Mr. Ruston:** Let us have a bit of order here.

**The Deputy Chairman:** Order.

**Mr. Stokes:** The minister may be aware that the schedule of loans and guarantees accepted for the month of December of this year shows eight loans from the Ontario Development Corp. for southern Ontario, creating 152 jobs. The loans and guarantees approved were in the amount of \$1.864 million. For the same period in eastern Ontario, there were four loans, creating 73 jobs, and approved financial considerations of \$1.070 million. For the Northern Ontario Development Corp., there were four loans, creating only 21 jobs, and financial commitments on behalf of NODC for \$442,000, less than 25 per cent of the amount allocated for southern Ontario and about one third of what was committed from the fund for the Eastern Ontario Development Corp.

I would like to ask the minister if he has anybody in his ministry who monitors those statistics, as I do, from month to month. We consistently lag behind. It is quite understandable that we may lag behind southern Ontario, but we consistently lag behind eastern Ontario.

I do not know what the population breakdown is, but what does it say about the entrepreneurial skills of people in northern Ontario when we cannot come up with the kinds of ideas, the kind of product development, the kind of market development, the utilization of indigenous resources so that we can create new

products, develop new markets and, in the process, produce jobs and diversify the economy of northern Ontario?

I am sorry we do not have sufficient time to get into the areas I think we should. Maybe we can do that privately. But these statistics consistently disillusion me. What is wrong with us in northern Ontario?

**Hon. Mr. Bernier:** In answer to the member for Lake Nipigon, I watch those statistics as sharply as he does and I must admit I have some concern that more is not being advanced by NODC. If we continually get 25 or 30 per cent of what is being given to southern or eastern Ontario, on a population basis we are doing very well. But as a frontier area, as a developing area, I think we should be much higher than that.

I would have to agree with the member that our managerial and entrepreneurial people are just not aggressive enough, and I have said that to them many times. Many of them are a little frightened about getting into bed with the government on some of these programs, I know that. We have tried in a number of cases with our economic development programs, as we did on Manitoulin Island, to go in and assist a number of small entrepreneurs with marketing, management and administrative skills and let them actually do the work.

We go that far down the ladder, actually to do their particular work for them. While they can make beautiful widgets, they have no marketing and bookkeeping skills. That is what is lacking in northern Ontario. I think we should be encouraging those entrepreneurs to pound the door on those programs. I take it upon myself to let them know they are available and to encourage them.

The northern Ontario rural development agreement took a long time to get off the ground. It took about a year and a half before it caught on. I personally kept sending out brochures and we put advertisements in the papers encouraging them. Finally, it caught on and now it is going great guns, but it expires at the end of March. I share the member's concern.

Votes 701 to 704, inclusive, agreed to.

**The Deputy Chairman:** That completes consideration of the estimates of the Ministry of Northern Affairs.

On motion by Hon. Mr. Bernier, the committee of supply reported certain resolutions.

The House adjourned at 10:30 p.m.

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No. 102

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# Hansard

## Official Report of Debates

### Legislative Assembly of Ontario

**Third Session, 32nd Parliament**

Tuesday, December 6, 1983

Afternoon Sitting

Speaker: Honourable John M. Turner

Clerk: Roderick Lewis, QC

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# LEGISLATIVE ASSEMBLY OF ONTARIO

Tuesday, December 6, 1983

The House met at 2 p.m.

Prayers.

## STATEMENTS BY THE MINISTRY

### APPOINTMENT OF OMBUDSMAN

**Hon. Mr. Davis:** Mr. Speaker, I have great pleasure to announce today, as is the custom, that I shall be placing before the Legislature for the consideration of all members the name of Dr. Daniel G. Hill as the next Ombudsman for Ontario.

Dr. Hill has had a distinguished record of service in the academic community, in government and more recently as a private consultant in the areas of human rights and intergroup relations. While I shall not at this time attempt to outline the detail of Dr. Hill's long and impressive career, I should remind all of us that he has served this province over the years in a number of important capacities, including that of director and then chairman of the Ontario Human Rights Commission.

Most recently, through his own private consulting firm, Dr. Hill has offered counsel and advice to such diverse bodies as the University of Toronto, the Canadian Civil Liberties Association, the Bermuda Human Rights Commission and the Ontario Ministry of Correctional Services.

Dr. Hill will require a short period of time to bring his current assignments to a reasonable conclusion. It is hoped, however, that he will be in a position to undertake full-time duty by the latter part of February and can be sworn in officially when the House reconvenes in March of next year.

I feel that in the traditions established initially by Arthur Maloney and more recently by Donald Morand, we have persuaded another Canadian with excellent credentials and an outstanding record of public service to undertake the role of Ombudsman for our province. I am sure Dr. Hill will have the enthusiastic support of all members of this House as he prepares to undertake his new responsibilities.

I would like to point out to the members of the House the presence of Dr. Hill in the gallery, accompanied by his wife, Mrs. Donna Hill, his

son, Dan, who is something of a celebrity in his own right—and I have to say to Dan that I cannot plug commercially any of his undertakings—and also of course Dan's wife, Beverly Chapin-Hill. It is a great pleasure to introduce the Hill family to the members of the House.

**Mr. Peterson:** Mr. Speaker, I had the opportunity this morning of meeting with the Premier (Mr. Davis) and the leader of the New Democratic Party (Mr. Rae), at which point the Premier told me of his choice for the new Ombudsman in Ontario. I immediately took that news to our caucus and I can say there is universal enthusiasm from my caucus for the appointment of Dr. Hill as the new Ombudsman.

I know he will take his responsibilities seriously. I was interested in the Premier's statement on page 2, saying, "I feel that in the traditions established initially by Arthur Maloney and more recently by Donald Morand . . ." Although I share everything else the Premier said in his statement, I am not sure we want to develop this office in exactly the same traditions that were developed by those Ombudsmen.

I think there is a major rebuilding job to do in terms of the public perception of the office and the speed with which it obtains equity in this complicated system, and in rebuilding faith with members on all sides of this Legislature. That being said, I can think of no person in this province who is more qualified or competent to rebuild faith in this institution, an institution which still has, in our view, great promise.

I say to Dr. Hill on behalf of my colleagues in the Ontario Liberal Party that I will be honoured at the appropriate time to second his nomination as Ombudsman. We wish him well. We will be proud to work with him. His appointment is a great addition to this province.

**Mr. Rae:** Mr. Speaker, it is with a great deal of pleasure that I join with the remarks that have been made by the Premier and the leader of the Liberal Party with respect to the happy news of the appointment of Dr. Dan Hill as Ontario's new Ombudsman.

Dr. Hill is known to me and to the members of our party as somebody who has done an outstanding job as a civil libertarian, as someone



who has spoken out with courage against racism in our society, as someone who has made all Canadians and all Ontarians aware of the richness of the black heritage in this province and the richness of the contribution of the black community to this province.

I was reading Dr. Hill's work entitled, *The Freedom Seekers, Blacks in Early Canada*, which was a history of the black community in Canada and Ontario up to the end of the 19th century. I was struck while reading it of the example of one man whose name is Delos Davis of Amherstburg, who 100 years ago—and I think honourable members should be aware of this—wanted to become a lawyer in Ontario and could not find any law firm in the entire province with which he could article. Mr. Davis had to petition the Legislature of Ontario to be able to write his bar examinations, become a lawyer and practise law in Ontario. That was 100 years ago. Mr. Davis went on to become a King's counsel and one of the great courtroom tacticians of the era in this province.

I think it is a tribute to Dr. Hill that he has made us aware of this history. I think it is a tribute to what he has done as a civil libertarian at the University of Toronto, with the Canadian Human Rights Commission, with the Ontario Human Rights Commission, as a consultant to the government of Bermuda and as somebody who has been a consultant to the recent special parliamentary committee on the participation of visible minorities in Canadian society.

I want to pay tribute to Dr. Hill and say to him that he will have our full support in his work as the Ombudsman. As the leader of the third I am anticipating the next election—as the Leader of the Opposition (Mr. Peterson) has stated, it is a job which in our view requires rebuilding.

**2:10 p.m.**

The one thing I do want to say to Dr. Hill on behalf of the New Democratic Party is that we would be very glad to sit down with him at his earliest opportunity and discuss what we see as the challenges and opportunities in his very important position as a symbol of the protection of the rights of the citizen against the government, which frequently makes mistakes, as big governments often and always do.

I would like to offer him that support and I look forward to working with him. I want to offer our very sincere congratulations to him and his distinguished family on this happy day.

## ASSESSMENT ROLLS

**Hon. Mr. Gregory:** Today, Mr. Speaker, I have an announcement to make concerning the annual return of assessment rolls across Ontario. As the honourable members may be aware the assessment rolls are generally returned to municipalities each year in the third week of December. This is done in accordance with the provisions of the Assessment Act.

The members opposite may also be aware that the passing of Bill 90 took somewhat longer than had been anticipated. That delay, however, was not without its positive benefits. The members voiced their concerns about property assessment in general and, in particular, about the new provisions regarding the mailing of assessment notices; namely, that every property owner and tenant will receive an assessment notice only if the circumstances of his assessment have changed during the past year or if the assessment was appealed last year.

In this regard the members were also concerned about the importance of ensuring an adequate period for filing assessment appeals. It has always been my ministry's practice to mail assessment notices in November, thereby providing for much more than the statutory minimum of 14 days between the mailing of the assessment notices and the return of the assessment rolls.

This year, however, the time consumed by debate on Bill 90 both in the House and in committee has delayed the mailing of the notices of assessment. It is still possible to meet the statutory requirement of mailing the notices 14 days before the return of assessment rolls, but I am sure the members agree that the ministry should continue its practice of providing ratepayers with as much time as possible to review their assessments. Moreover, the mailing of assessment notices in the month of December would mean that they would be delivered during the time of the year when the mail volume is at its peak.

In addition, in support of the annual return of assessment rolls my ministry encourages ratepayers to contact regional assessment offices and attend open house sessions which are conducted in municipalities throughout Ontario. These activities afford ratepayers the opportunity to discuss their assessments with property assessment staff.

In previous years these information sessions have been held about two weeks before the return of the assessment rolls to allow for the review of assessments. This has proved very effective. However, the situation this year is

such that the time would be severely limited for ratepayers to review and discuss their assessments with assessors.

Therefore, with all these considerations in mind I am delaying the return of assessment rolls for this year from December 20, 1983, to February 15, 1984. Assessment notices will be mailed no later than January 9, 1984. For the clarification of the members opposite, this will provide 37 days from the mailing of assessment notices to the return of assessment rolls. This is well in excess of the 14 days provided for in the act.

Since the final date for filing an assessment appeal is 21 days after the return of the assessment rolls, the appeal deadline will be March 7, 1984, rather than the January 10 date that I had referred to during the second reading debate. This means there will be a total of 58 days from the date of mailing the notices until the final date for appeal.

In connection with the mailing of assessment notices, the open houses to be held in every municipality in Ontario and the final date for filing an appeal, my ministry will conduct its usual information campaign by placing a series of advertisements in all the daily and weekly newspapers, the French press and the 111 ethnic newspapers. Of course, the primary focus of the campaign will be to encourage ratepayers to attend these open house sessions and to remind them of the final date for filing an appeal, March 7, 1984.

I believe that the 58 days between the date of mailing the notices and the final date of appeal, coupled with my ministry's information campaign, will provide ratepayers with ample opportunity to understand their assessments and, if necessary, to appeal to the Assessment Review Board.

I am mindful of the need for municipalities to have the necessary data to issue their interim tax bills. These data have normally been provided in early January. The delay in the return of assessment rolls will not adversely affect the scheduled delivery of those tax tapes by January 11, 1984.

#### CHRONIC HOME CARE

**Hon. Mr. Norton:** Mr. Speaker, we all hear and read a great deal these days about our rapidly ageing population and the impact this trend is having and will continue to have upon all of us, young and old alike. In Ontario there are now 886,700 people who are 65 years of age or older. By 2002, 1.38 million Ontarians will be

senior citizens. It is estimated that some 225,000 people aged 65 or older now live in Metropolitan Toronto.

It is a priority of my ministry to find ways of reducing or preventing institutionalization of the growing number of older people in Ontario, to help them remain active and productive members of the community.

Today I am very pleased to announce an extensive chronic home care program will get under way March 1 in Metropolitan Toronto. It will be introduced in stages. This program will serve about 10,000 Metro residents during its first year, 80 per cent of whom are senior citizens. The introduction of this new program now makes acute and chronic home care services available throughout Ontario.

Services will include nursing care, homemaking, speech and occupational therapy and physiotherapy, all provided on a home visiting basis. This service should go a long way towards making chronically ill people more self-reliant and comfortable because it does not involve any real disruption of their daily lives and is a welcome alternative to long-care treatment and confinement in a hospital or nursing home. It is my conviction, and one that I am sure will be shared by all members of this House, that staying in one's home, being able to interact as usual with family, friends and community is a tremendous benefit to one's overall wellbeing.

Acute home care programs initiated in Metro Toronto in 1958 offer these kinds of services on a short-term basis only. Through 38 such acute care programs and 37 chronic or long-term programs 112,000 patients across Ontario received services in their homes last year at a total cost of about \$86 million. In Metro alone, 23,000 residents got this help at a cost of \$15 million. Our new Metro program, the 38th chronic care project in Ontario, will cost about \$19 million in its first full year of operation.

Not only will our new program in Metro now provide effective long-term health care in the home, it should also reduce the number of chronically ill patients occupying acute care hospital beds in Metro Toronto hospitals. This will free hospital beds for acute care required by other patients.

I would like to explain how a patient applies for home care services. A patient's own doctor makes a referral and the program staff assesses the patient for eligibility and then for identification of the specific services the patient requires. Once admitted to the program, a patient's condition is monitored regularly to ensure that



all needs are being met. Experience of our chronic care programs already under way indicates that average length of stay is about four and a half months.

In March, when our new program gets under way in Metro, services will be provided first to chronically ill patients now in acute care beds in Toronto hospitals. At the beginning of May, those who are clients of community service agencies such as the Visiting Homemakers' Association and the St. Elizabeth Visiting Nurses Association will be eligible for consideration for the program, followed in June by patients from chronic, rehabilitation, convalescent and psychiatric hospitals. In September, all Metro residents needing chronic care should be included in the program. This gradual phasing-in is necessary to ensure the best quality of home care for the very large number of people to be served.

**2:20 p.m.**

I am confident the province-wide expansion of chronic home care not only reflects the ministry's, but also the government's continuing commitment to this valuable community-based program for the citizens of this province.

#### VISITORS

**Hon. Mr. Wells:** Mr. Speaker, members of this House will recall that two weeks ago I announced that Toronto architect Carlos Ott of the firm of Neish Owen Rowland and Roy was selected by French President François Mitterrand as the winner of the international competition to design the new Paris Opera House.

Today it gives me great pleasure to present to the Legislature Mr. Ott, who is in the Speaker's gallery. He is accompanied here by Mme Michèle Audon, the director general of the Paris Opera Mission, and M. Philippe Calavia, the opera mission's secretary general, whom we are also happy to welcome.

These people are taking this opportunity to view at first hand examples of Mr. Ott's architectural designs here in Toronto. Earlier this morning they met with Dr. James Cruise, director of the Royal Ontario Museum, and then toured the recent addition to the museum which we all know was so well designed by Mr. Ott to blend in with the long-established buildings that have stood at the top of Queen's Park Crescent for a number of years.

The party also met today with the Premier (Mr. Davis) and will be meeting with staff from the Ministry of Citizenship and Culture tomorrow. Next week the group will be visiting

Boston, New York and Washington to look at other examples of Mr. Ott's work.

President Mitterrand has had a long personal interest in the building of this new Paris Opera House which will mark the 1989 bicentennial of the French Revolution. It is, therefore, all the more remarkable that Carlos Ott from Toronto should have his design chosen by President Mitterrand from more than 700 submissions. As we know, the new 3,000-seat opera house will be located near the Place de la Bastille.

I am sure we are very pleased to have Mr. Ott and our guests from Paris with us today.

#### BARRIE-VESPRE ANNEXATION BILL

**Hon. Mr. Bennett:** Mr. Speaker, this afternoon I will introduce a bill in the House that will bring a resolution to a long-standing boundary dispute between the city of Barrie and the township of Vespra in the county of Simcoe.

For those members of the House unfamiliar with the history of this dispute, it dates back prior to the Simcoe-Georgian task force of 1972. This task force included representatives of municipalities in Simcoe county. It deliberated for several years before completing its report in the mid-1970s which, among other things, delineated a Barrie urban area.

In the spring of 1976, the city of Barrie applied to the Ontario Municipal Board for a significant annexation into three surrounding townships, the townships of Innisfil, Oro and Vespra. The city was attempting with this application to implement the terms of the task force report for the Barrie urban area which proposed Barrie as the urban growth centre for that part of Simcoe county and which had been accepted by the government.

It then fell to the Ontario Municipal Board to determine what lands ought to be annexed. To this end, the board heard evidence and arguments over an 11-month period in 1976-77 which, to put it briefly, resulted in a decision to annex part of Vespra to Barrie. The board at that time did not spell out the precise boundaries of the lands in Vespra which were to be included in the annexation.

After the successful negotiations with Innisfil and unsuccessful attempts to negotiate with Vespra, Barrie asked the Ontario Municipal Board to resume the hearing to delineate the precise boundaries. In order to do this, the board heard two more days of evidence and arguments this past spring.

The end result of all this has been two board decisions overturned by the courts on proce-



dural grounds, with the latest ruling sending the matter back to the board for a brand new hearing on the merits of annexation before a new panel of board members—in other words, back to square one. It appears to me the history of this issue has been one of interminable delays while one or the other party sought legal opinions on every possible occasion. In the meantime, the people of the area are left in limbo.

In 1983, after a decade of uncertainty during which the province has shown enduring patience in allowing the municipalities to define the course of action, we are no closer to a Barrie-Vespra annexation than we were more than a decade ago when Barrie first requested an annexation. In any event, the Ontario Municipal Board jurisdiction in matters such as these will end on February 1, 1984.

The need for a solution continues and, in my view, has become imperative. Key development plans for the commercial shopping district now in Vespra hinge on resolution of this dispute. If the question of municipal jurisdiction in this area is not resolved by bringing this area into Barrie in short order, the development will be lost to the community.

For all the reasons I have mentioned above, I simply cannot sanction yet another round of Ontario Municipal Board hearings. Further, I take the view that there is no prospect of negotiating a solution. In my view, legislation is the only way to conclude the matter. In the process, there will be time allowed in committee for further input and debate on the location of the new boundary and an opportunity for those citizens who wish to be heard to state their views.

The bill to be presented today provides the basis for a solution, with details to be refined following public debate before committee, as I have already mentioned. The bill includes four component parts: a transfer of land to Barrie on January 1, 1984, which is intended to ensure orderly planning and development of the growth centre; compensation to Vespra township and its residents for any short-term financial hardship arising from the change in jurisdiction; representation for the new residents of Barrie on Barrie city council; and protection for the environmentally sensitive lands around Little Lake.

The annexation area defined by the bill uses the TransCanada pipeline as a boundary, with all township land lying south of the pipeline potentially part of Barrie as of January 1. This

line—and this is underlined—is not cast in stone. It represents the maximum limit of the annexation area, with the government prepared to listen to any convincing arguments in committee as to why this line should be varied in one location or another before it is confirmed as the new north city limit for Barrie.

As far as the financial component is concerned, the government is committed to ensuring fair and equitable compensation to Vespra township and its residents. The exact dollar amount of compensation will not be known until the annexation area is defined. However, I have today instructed my staff to meet with their colleagues in the municipalities involved to gather the information necessary to a fair and comprehensive settlement package. This package will include payments from the city to the township to help ease the transition to the purely rural municipality. These funds will help phase in any increases in any individual property taxes in the township. As for new residents of Barrie, provision will be found in the bill to phase in their taxes as well.

To ensure a voice on council for the new city residents, the reeve of Vespra township may sit as an ex officio member of Barrie city council for the remainder of the current term. Little Lake will be protected from urban encroachment through the continuation of existing strict controls in this particular area.

In conclusion, I trust that in transferring resolution of this dispute to the political arena, the focus of debate will shift to a more productive level, with public policy no longer being delayed by what has become interminable court action. Moreover, the resolution defined by this process will bear the mark of considerable public input over many years. Resolution of the matter will end a decade of uncertainty and very expensive proceedings in Barrie-Vespra, pave the way for removal of the restrictive zoning order on the township, facilitating key decisions relating to development and expansion of the commercial shopping area, and allow finalization of outstanding official plan approvals.

With this I commend the bill to the attention of this House.

**Mr. Conway:** Mr. Speaker, I have a statement I know will be of great interest to all the good people of eastern Ontario. I make it with the support of my friend the Minister of Tourism and Recreation (Mr. Baetz). An \$800,000-Board of Industrial Leadership and Development grant to the Upper Canada Village concept, which will greatly improve—

**Mr. Speaker:** Order. This is statements by the ministry. The Minister of Tourism and Recreation.

**Hon. Miss Stephenson:** Very clever.

**Mr. Conway:** Just in the nick of time.

**Mr. Riddell:** Just a taste of your own medicine over there.

Interjections.

**Hon. Mr. Baetz:** Mr. Speaker, do they want to hear the good news? They don't want good news. They cannot stand good news. That is really something.

Interjections.

**Mr. Speaker:** Order. The Minister of Tourism and Recreation.

2:30 p.m.

### ST. LAWRENCE PARKS COMMISSION

**Hon. Mr. Baetz:** Mr. Speaker, I have the honour of announcing today a very important initiative for the tourism industry of Ontario, especially eastern Ontario.

Tourism attractions and historical parks represent an important ingredient of the successful marketing formula of this province's tourism industry. In fact, in the renowned Michelin Travel Guide, Upper Canada Village of Morrisburg is one of the two destinations in eastern Ontario to be given a three-star or "must see" rating.

The St. Lawrence Parks Commission, an agency of the Ministry of Tourism and Recreation, incorporates 15 provincial parks plus Old Fort Henry in Kingston and Upper Canada Village. This area stretches for some 300 kilometres along the Quebec-Ontario border and west to Adolphustown Park, 110 kilometres west of Kingston.

In the last 25 years, the parks and attractions of the St. Lawrence Parks Commission have drawn more than 60 million visitors and in recent times that average has been maintained at three million people annually. It is anticipated that 1984 will be an equally notable year for tourism as the St. Lawrence Seaway celebrates its 25th anniversary.

The Board of Industrial Leadership and Development has approved a capital grant of \$800,000 towards the St. Lawrence Parks Commission for the improvement and construction of exhibits, stores, food facilities and other support services.

The members opposite should listen to this. This is what they have been wanting to hear. This grant will result in 800 man-weeks, or 32,000 man-hours, of work for local residents.

There is more good news. Direct economic spinoff to the eastern Ontario region is estimated to be \$2 million, through local purchases of materials, supplies and services. It is the hope of the Ministry of Tourism and Recreation that this will stimulate employment, particularly in the 18 to 25 age bracket in the region.

Significantly, this grant from BILD represents the intention of this province to remain a desirable tourist destination. Particularly, tourism in eastern Ontario is a strategic element of the local economy and the improvements made possible by this grant will help maintain the image of the parks and attractions of the St. Lawrence Parks Commission as a first-class travel destination.

**Mr. Speaker:** Just before proceeding, I would ask the—

**Mr. Bradley:** That by-election is Thursday, is it, Claude?

**Mr. Speaker:** We are all listening to you. Maybe you could tell us.

**Mr. Epp:** I have a statement.

**Mr. Speaker:** Order. This may be very difficult—

**Mr. Sargent:** On a point of order, Mr. Speaker: The Concerned Farm Women of Bruce county are in the gallery today. They could use that \$800,000 in Bruce county.

**Mr. Epp:** There is no election there.

**Mr. Speaker:** Given the conduct so far, this may be asking a little bit much, but I am going to try it on. The clocks are not working in the House today. We are going to time members manually. I would ask the members' co-operation in doing that.

**Mr. Peterson:** Mr. Speaker, we have no problem with that. Surely there is someone on Mr. Speaker's staff who can tell the time and we have great faith in your capacity to arbitrate this.

### ORAL QUESTIONS

#### EASTERN ONTARIO DEVELOPMENT

**Mr. Peterson:** Mr. Speaker, I have a question to the Minister of Industry and Trade.

Given his government's professed policy of supporting regional development, could the minister explain to this House why, by almost any criteria imaginable, whether expressed as a share of total allotments, of real dollar terms, or in relation to the population base, eastern Ontario has suffered a staggering decline over

the last eight years in terms of commitments through the Eastern Ontario Development Corp?

**Hon. F. S. Miller:** Mr. Speaker, I think the Leader of the Opposition would be very wise not to enter into the same tactic that cost him the last election during a by-election.

**Mr. Peterson:** Let me point out the facts to the minister because he is obviously not aware of them. In 1974-75 the Ontario Development Corp. contributions to eastern Ontario were \$22 million. This last year they were \$11.5 million, while at the same time contributions in southern Ontario went from \$40 million to \$70 million. Indeed, in 1974 dollars the commitments to eastern Ontario have fallen by 37.3 per cent while in southern Ontario they have risen by 207.5 per cent.

**Mr. Speaker:** Question, please.

**Mr. Peterson:** Given the minister's commitment to regional development, how can he possibly justify giving eastern Ontario the short end of the stick for these long years?

**Hon. F. S. Miller:** A moment ago my colleague the Minister of Tourism and Recreation (Mr. Baetz) made an announcement for eastern Ontario and was hooted at in derision by the member's party for doing so. We make an announcement of something useful, something to create jobs, and he complains about it. Yet the very next minute he is standing up asking questions like that. He is totally inconsistent.

Interjections.

**Mr. Speaker:** Order.

**Mr. Samis:** Mr. Speaker, can the minister assure the tourist operators of eastern Ontario that the priority of his ministry is to help the existing entrepreneurs rather than to use government funds to build another Minaki Lodge in Morrisburg against the wishes of the existing businessmen in Stormont, Dundas and Glengarry and eastern Ontario?

**Hon. F. S. Miller:** The specifics of the type of facility are best left to my colleague, but let me say this. I am in the tourist business; I happen to be a small operator, as the member knows. I learned one thing long ago. The Board of Industrial Leadership and Development document, which I was happy to be a part of, said that there would be in the general Cornwall area a destination facility to attract people there.

I read in my colleague's comments today support for that principle. The private operator, the small one who cannot afford to attract people to an area, is always helped by a large

lodge like Minaki and like the ones we talked about.

**Mr. Peterson:** In spite of the death-bed repentance of the minister's colleague today, coming forward with a miserly amount, he will recognize that over a long period, eastern Ontario has been consistently on the decline. He is aware also of the view of Mr. Andrew Croll, the executive director and chief executive officer of the various development corporations, that the whole *raison d'être* of those corporations is to favour development in both the north and the east.

Would the minister not agree with me, now that he is apprised of the facts, that this clearly is not the case and that he is doing nothing to cure those regional disparities?

**Hon. F. S. Miller:** I happened to be in eastern Ontario most of yesterday just by co-incidence, and I went through Stormont, Glengarry and Dundas.

Interjections.

**Hon. F. S. Miller:** They never needed me before. We had a member there who for years carried it in the glorious tradition of the Conservative Party and we have another one on the hustings right now who is going to sweep the riding a week this Thursday.

Interjections.

**Mr. Speaker:** Order. And now to the question, please.

Interjections.

**Hon. F. S. Miller:** Tonight I will be having a short meeting with the boards of the Eastern Ontario Development Corp., the Northern Ontario Development Corp. and the Ontario Development Corp. because they are in the city today. It is the second time I have done that.

2:40 p.m.

The member knows full well that we respond in the development corporations to requests for assistance. There have to be requests from manufacturing companies, tourist operators, the kinds of businesses we help in order to respond. Indeed, there has not been as much demand in eastern Ontario in the last year and a half as we would like for one simple reason. There has not been enough demand in total in this province for new investment, and that part of the province, just like the north, has suffered perhaps more than the central part. That is, as the member stated a second ago, the very reason for having an EODC. In fact, Mr.



Siverski, who is the chairman of EODC, spoke to me a while back and said he would be out trying to solicit more.

In addition, the federal government and we co-operated, as I am sure the member knows, in a Department of Regional Economic Expansion-related program for eastern Ontario, which, after the parameters were changed, did use up all of its money for industrial assistance very quickly.

**Mr. Peterson:** Mr. Speaker, may I just correct the record? I made an inadvertent mistake. I said contributions to southwestern Ontario went from \$40 million to \$70 million. In fact, they went from \$40 million to \$57 million, while at the same time those to eastern Ontario dropped from \$22 million to \$11.5 million. I apologize for the mistake I made.

#### PROVINCIAL AUDITOR'S REPORT

**Mr. T. P. Reid:** Mr. Speaker, I have a question for the Minister of Revenue in regard to the recently tabled report of the Provincial Auditor. I would like to ask him specifically about a number of deficiencies noted in the report, but particularly the trip to England of some of the senior members of his ministry.

Can the minister explain what action he personally has taken in regard to the problems that are enumerated in the auditor's report, specifically the fact that twice as many recruiters went to England to recruit, they took almost three times as long and spent almost three times as much as the team the year before?

Can the minister tell me what he intends to do about that specific problem and the other deficiencies outlined by the auditor? Is he going to run that ministry or is he going to allow the deputy minister to run him and the ministry?

**Hon. Mr. Gregory:** Mr. Speaker, had the honourable member been in the House on Friday last when I was dealing with my supplementary estimates, he would know that many of these questions were raised by his House leader and by the member for Oshawa (Mr. Breaugh) on the New Democratic Party side and that we discussed them at length. I think if the member reads Hansard he will get the answers to those questions.

**Mr. T. P. Reid:** Like all of us, I have many duties around here and I was not able to be in the chamber; I was down in a committee. But that does not solve the problem.

There are problems of this ministry paying for work that was not done until later on; there are

problems about work having been paid for out of the wrong year's appropriations; there are the problems related to this trip; there are problems related to contracts let in his ministry that are going to people who are presumably friends of the people who are sending out these contracts.

**Mr. Speaker:** Question, please.

**Mr. T. P. Reid:** What is the minister responsible, as opposed to the deputy, doing about the deficiency in his ministry?

**Hon. Mr. Gregory:** The member has conveniently jumped from one subject to another. I hardly think it is a supplementary, because he begins speaking about the recruiting trip to England and then goes on to discuss other things. In other words, his question is a generalized one regarding the auditor's report.

I will do just as he has done and read the auditor's report. I commend to the member the statements of the deputy minister as an explanation of those matters, which again I did outline in my supplementary estimates on Friday.

**Mr. Breaugh:** Mr. Speaker, in comparing statements made by the Provincial Auditor and by the previous Minister of Revenue, there were some discrepancies, which we discussed at some length. One fact that was not disputed was the statement by the previous minister that it cost roughly \$10,000 to \$11,000 for the Ministry of Revenue to offer those people each of the 24 positions as opposed to the \$14,000 it cost them to offer Canadians similar positions.

Does it seem reasonable to the minister to have to spend \$14,000 to offer someone this type of job?

**Hon. Mr. Gregory:** Mr. Speaker, as the honourable member has stated, the figure of \$14,000 was discussed with my predecessor, but the net result was much less, as again was discussed on Friday. The net per employee was somewhere in the region of \$4,000.

**Mr. T. P. Reid:** The minister, like almost 90 per cent of the cabinet, does not understand ministerial responsibility. They let their deputies run them. This is the problem in matters like this. But let me go back—

**Hon. Miss Stephenson:** Who do you think you are?

**Mr. T. P. Reid:** Listen, yappy. Listen to this; you are part of the problem. I want to know—

**Mr. Speaker:** Order. The member for Rainy River is asking a final supplementary, and I would ask him to confine his remarks to asking the final question.

**Mr. T. P. Reid:** If not interrupted, I will do exactly that.

Is the minister aware that for at least two years in a row, he or his predecessors have sent recruiting teams to England to get people to work in his ministry? What are he and the Minister of Colleges and Universities (Miss Stephenson) doing to ensure that people are educated and qualified to take those jobs here in Ontario?

[Applause]

**Hon. Mr. Gregory:** I thank my colleagues for the applause on rising to answer this question. Again, had the member been in the House on Friday he would have heard these things discussed. The fact of the matter is that when these recruiting drives took place—

**Mr. Breagh:** Gee, Bette, you're snarky today.

**Mr. T. P. Reid:** She's always snarky.

**Hon. Mr. Gregory:** Does he want the answer or not?

Interjections.

**Mr. Speaker:** Order.

**Hon. Mr. Gregory:** I am waiting for the member who asked the question.

**Mr. Wrye:** We have waited for three questions for an answer.

**Hon. Mr. Gregory:** If he had not been yapping back and forth he would have heard me explain that both times this took place, investigations were made through the Canada Department of Employment and Immigration, through the citizenship department federally—

**Mr. T. P. Reid:** We know all that.

**Hon. Mr. Gregory:** If he knows it, why did he ask?

**Mr. T. P. Reid:** Because you have 40,000 people you are going to hire offshore again.

Interjections.

**Mr. Speaker:** Order.

**Hon. Mr. Gregory:** As I mentioned, this has been investigated. It is true there are graduates in this line of work from our schools. What was desired and what was requested by the Ministry of Revenue was the experienced middle-management types who were not available in Canada. If they were available, they would have had to be trained perhaps 10 years ago; unfortunately, they were not there when we recruited them.

We went over, and the recruiting effort has been quite successful. In the first year, of 11 hired, some six left. Since that time we have

recovered all the cost of those. In the second year, there was a net of 16; 18 people were offered contracts and 16 accepted. Since that time, one has left, so we still retain 15 of those people. It has worked out extremely successfully.

#### DECISION IN MENTAL HEALTH CASE

**Mr. Rae:** Mr. Speaker, I expected the Attorney General (Mr. McMurtry) to be here today, but in his absence I would like to address a question to the Minister of Health. It affects the fundamental question of civil liberties and I would like to ask him to address it.

The minister will be aware of the decision yesterday of Madam Justice Van Camp affecting an involuntary patient in a psychiatric hospital in Ontario. This involuntary patient—and I do not think there is any question at all of her mental competence; there is no question that she is—she, her husband, her brother and her father together all refused to give consent to the treatment known as electroshock therapy.

As the minister responsible for the health care of the people of Ontario and as someone who knows the importance of civil liberties in this province, how does the minister feel about a medical treatment of such seriousness and of such controversy being performed on a patient, not only against her consent but also against the consent of all the members of her family?

2:50 p.m.

**Hon. Mr. Norton:** Mr. Speaker, I am not sure it is entirely relevant how I subjectively feel about such issues. What is more important is what I rationally think about the particular issue. I do not profess to be intimately familiar with the details of the case. As the honourable member might be aware, much of the matter was dealt with by the courts during the time I was less than fully interested in the day-to-day news and the affairs of the ministry.

However, I do have some knowledge of the matter. I also understand the family is considering the possibility of appealing the decision of the Supreme Court. Therefore, I would want to limit my comments. Obviously, the matter at this point has been dealt with by the court, and the decision of the court deals with the legal status of the law and the individual's rights in that respect.

Here I am doing what I said I ought not to do, but if the member wants to know how I personally feel about it, I am somewhat troubled by the implications of any kind of treatment being administered contrary to the wishes of either the individual, or should he be less than compe-

tent to make the decision, his next of kin. I do not believe that is true of other kinds of treatment, generally.

It raises some important issues that we all ought to address our minds to with respect to the right of the state, be it through a profession or otherwise, to do what it believes is in the best interests of the individual, whether or not it is the wish of the individual to subject himself to that. That is a very thorny question and one we cannot dismiss lightly.

**Mr. Rae:** The minister will be aware that section 7 of the charter sets out the principle that everyone has the right to life, liberty and the security of the person, and the right not to be deprived thereof except in accordance with the principles of fundamental justice.

The minister will also be aware that in 1978 this House approved amendments to the Mental Health Act which would have given the woman in this instance significant procedural protection with respect to the decision of the regional review board, would have given that woman the right to appeal to a court and would have given the court the right to substitute its opinion for that of the attending physician or of the regional review board upon hearing factual evidence.

The minister will also be aware that Madam Justice Van Camp's decision was a judicial review of a decision, and her decision was limited to the very specific question of the definition of the term "psychosurgery." Her decision did not deal with the merits of the case or the implications of the case for the liberty and security of the subject, which is surely at stake in this instance.

I would ask the minister whether he would consider the merit of proclaiming the sections of the Mental Health Act which would give substantive rights to patients in this position with respect to their security and which would give them procedural protection as well. Since I have heard the minister say he is troubled, and anybody would be troubled by the implications of this decision for the security of the subject and the right to civil liberties of patients as well as the rights of patients who are mentally competent and of their families to refuse their consent to treatment which they regard as an intrusion on their person, I would ask the minister whether he would consider taking those steps.

**Hon. Mr. Norton:** I am not prepared at this point to indicate which particular steps I might be prepared to take. I would indicate that, as of yesterday, I had requested of my deputy that

meetings be set up without delay between myself and senior staff in the ministry who have been involved, to review the sections in question and the ramifications of those, with a view to making a determination as to the appropriate steps relating to those at present.

With regard to the interpretation of the implications of the code, I would be quite willing to do that if the member would guarantee me an appointment to the Supreme Court of Canada.

**Mr. Rae:** There is one other avenue the minister might consider taking. If there is going to be an appeal of the review—and it is a very limited right, as the minister knows full well, and I am sure he knows the difference between an application for judicial review and an appeal *de novo*, which would give far more substantive rights to the patient in this case—would the minister consider seeking *amicus curiae* status on behalf of the government in order that the arguments with respect to the charter and the implications of this for the security of the person and civil liberties in this province are clearly placed before the Court of Appeal if the Court of Appeal decides it has jurisdiction to hear this appeal?

Will he at least take that step to ensure those broader arguments with respect to public policy are heard by the court, since this case has real implications not just for this patient who has refused this treatment but for many other patients who are subject to this treatment every day in Ontario?

**Hon. Mr. Norton:** It is not my intention to foreclose any option that might lead to an appropriate and satisfactory resolution of this issue. I will take up the determination of such a course of action as the member has suggested with my colleague the Attorney General as one option.

#### EQUAL PAY FOR WORK OF EQUAL VALUE

**Mr. Rae:** Mr. Speaker, my new question is to the Minister of Labour. It concerns the so-called measures he introduced yesterday with respect to equal pay for work of equal value.

The minister may be aware—if he is not, I would like to make him aware—that telephone operators 1, the 95 women who make up 97 per cent of the operators working for the province, make \$301.45 a week maximum, and parking lot attendants, of whom there are 10, all men, make \$356 a week maximum.

Why has the minister denied the right to these



women to seek a remedy for their unequal pay situation? Why has he introduced legislation which does not offer any hope at all to literally thousands and thousands of women in this province who need to be able to make a comparison with other jobs and who are prevented by this legislation from making that kind of a comparison?

**Hon. Mr. Ramsay:** Mr. Speaker, I am certainly not qualified to judge the merits of the work being done by the switchboard operators in this building and the work being done in the outside weather by the parking lot attendants. That brings to mind my reluctance to proceed towards complete equal value legislation at this time because of the complexities of evaluating the differences in jobs. I just do not feel we have the experience or the knowledge to implement equal value legislation yet because of the vagaries and the differences involved in a proper job evaluation system.

**Mr. Rae:** The minister may also be aware of the case at the level of the federal government which produced the \$17 million in back pay to laundry workers in the federal public sector, and that in the provincial public sector, comparable workers, laundry workers 2, in which 92 women are 70 per cent of the category, make \$336 maximum, and clerks storeroom 2, in which 265 men are 91 per cent of the category, are making \$366.40 maximum, or \$30 more per week. If these women were working in the federal public service, they would be getting an extra \$30 a week if the minister had the courage to bring in the kind of equal pay legislation worthy of the name.

Why should women who are working in the public sector in this province be second-class citizens in comparison with their sisters who are working in the public sector for the federal government?

**Hon. Mr. Ramsay:** I simply do not agree with that statement by the leader of the third party that women in Ontario are second-class citizens. The opposite is certainly true.

I think the honourable member has to bear in mind that in the legislation that was introduced yesterday, there were four components, three in addition to the composite test, and they all were designed to assist the women in the work place in Ontario. As far as I am concerned, when we take them as a total package, it was an excellent address to the problems related to women.

**Mr. Rae:** George, go to Ballycliffe Lodge and apologize for people being thrown off the line.

**Mr. Speaker:** Order.

3 p.m.

**Mr. Wrye:** Mr. Speaker, in his answer to the first question of the leader of the third party, the minister once again hid behind the oft stated excuse of this government that it does not know how to compare and evaluate dissimilar jobs.

My question to the minister is a simple one. What studies on an ongoing basis is this government undertaking now or preparing to undertake so that this problem the government always holds out, this technical problem of not being able to compare dissimilar jobs, can be overcome? What kind of studies is he prepared to undertake to see what kind of equal value legislation can be brought in if and when this composite test fails?

**Hon. Mr. Ramsay:** Mr. Speaker, that is an ongoing study by the women's bureau of my ministry. Perhaps I should not say my ministry because the women's bureau is now under the direction of the Deputy Premier, the Minister responsible for Women's Issues (Mr. Welch) in this province.

I mean that quite sincerely. It is something we have looked at in a serious way. We have tried to draw, on an ongoing basis for many years, on the experience of the federal government and the government of Quebec which are the only other jurisdictions that have this type of legislation. Quite frankly, we have found the information from those two sources to be lacking. We have not been able to draw on their experience.

**Ms. Bryden:** Mr. Speaker, has the minister met yet with the members of the Canadian Human Rights Commission and/or its staff to examine the methods it has worked out over five years for evaluating dissimilar jobs to determine whether they are comparable under the criteria of skill, effort, responsibility and working conditions? Is he just using this claim that he does not know how it would work as an excuse for providing the employers of Ontario with cheap female labour?

**Hon. Mr. Ramsay:** Mr. Speaker, I must take exception to the expression "cheap female labour." I believe that is a degrading comment to the women—

Interjections.

**Mr. Speaker:** Order.

**Hon. Mr. Ramsay:** In response to the question that was asked, no, I have not personally

met with officials of the Canadian Human Rights Commission. I am sure my staff has and I am sure there has been consultation between the two bodies.

### CONTEMPT OF COURT ISSUE

**Mr. Peterson:** Mr. Speaker, I have a question for the Attorney General with respect to the Ottawa rape and his statement the other day to this House. In that 24-page statement the Attorney General said, "She was offered a reasonable level of protection by the police."

The Attorney General will be aware that there is considerable disagreement over what was in his statement. According to Mr. Lawrence Greenspon, the counsel for the victim in this case, there was no concrete offer of protection. In fact, all that happened was that on October 20 at the preliminary hearing of David White, at which point there was a second refusal of the victim to testify, the judge asked that Mr. Greenspon, the crown and the victim retire to discuss protection.

He will be aware no offer of protection was forthcoming. They discussed in general terms a change of identity and address. The last word from the crown counsel was he would need approval from Toronto. There was no material offer forthcoming with respect to protection. Has the Attorney General satisfied himself in talking to all the people involved that the information he was getting was correct and that that offer was not made in order to protect this victim?

**Hon. Mr. McMurtry:** Mr. Speaker, I read some of the reports on the weekend in relation to the press conference the young woman gave in Ottawa. My recollection is she conceded that the police, first of all, were involved in monitoring her phone to ascertain whether or not there were any threats being made and to be aware of the nature of the threats in the event that any threats were made. That is a form of police protection.

My recollection of the reports of the young woman's news conference was that she did concede she had been offered a new identity and a new location to live for a period of time. However, she stated that her bottom line was 20 years of round-the-clock police protection and that she was not interested in anything less than that. I cannot give the member the dates or times of any of these conversations, but if the news reports are correct she conceded that anything less than the 20 years of protection would not satisfy her.

With respect to what authority the local crown attorney's office would have to have from Toronto, as far as I am concerned these matters are normally left up to the local police department. It is a police matter and the local police authorities are normally in the best position to judge what the appropriate protection would be. If, as the Leader of the Opposition has said, that appears on the transcript, I am certainly curious and I will attempt to ascertain what authorization the crown attorney thought would be necessary from Toronto.

**Mr. Peterson:** There is a dramatic difference of opinion on what was offered, if it was offered, and on whether the offer was a formal one or there were just general discussions. The Attorney General in his statement relied very heavily on the fact that it was forthcoming and was indeed a firm offer. Would the Attorney General take it upon himself to satisfy himself that there was a firm offer and that the victim was satisfied as to its bona fides?

In determining the truth in this matter, would the minister undertake to talk not only to the victim but to her counsel Lawrence Greenspon, as well as to Cindy Moriarty of the Ottawa Rape Crisis Centre, so that we do not have this major cloud, this major difference of opinion, that attacks the credibility of the various cases and scenarios that were built around it? Would he satisfy himself personally that he is in possession of the complete truth in this matter?

**Hon. Mr. McMurtry:** I do not think there is a major difference of opinion. I will concede the fact that the Leader of the Opposition is trying to create a major smokescreen about the issue. I do not think this is an entirely responsible approach to very difficult issues in the administration of justice.

I will attempt to ascertain any additional information with respect to the details of the security; however, my understanding is, as I have already stated, that the young woman in question was not interested in discussing anything less than 20 years of protection; that she conceded. I will attempt to ascertain if there is any more relevant information with respect to the offer and advise the House accordingly.

I want to make it very clear that in my experience over the years as a crown attorney, defence lawyer, Attorney General and Solicitor General, the police have always been very sensitive about providing protection to anyone who had reasonable apprehension of any threat in relation to a criminal prosecution.

As I have said on other occasions, the police



in this province have always given this matter the highest of priorities and I am satisfied that they did in this case. It is important that no message should go throughout the community other than that the police in this province will continue to give very sensitive, difficult and complex issues such as this the highest of priorities.

**Mr. Cassidy:** Mr. Speaker, if I could bring the minister from the general to the specific, I would like to point out to him that what is at issue is not what was asked for by the young woman but what was offered by the crown on behalf of the government and the justice authorities. Will the minister now concede that, contrary to his statement last week, there was no specific offer of police protection put forward to the young woman in such a way that she could assess whether or not it was a reasonable offer of protection? Will the minister now concede that?

**3:10 p.m.**

Will he also concede that it is grossly unfair to suggest that the victim should move out of town rather than that the perpetrator of the crime should be punished?

**Hon. Mr. McMurtry:** No, Mr. Speaker, I do not concede that.

#### ASSISTIVE DEVICES PROGRAM

**Mr. Allen:** Mr. Speaker, I have a question for the Minister of Health. A constituent of mine who does not wish to be identified in public—I will refer to her as Mrs. X—is 78 years of age. She has an income of \$570.95 a month from a combination of old age pension, supplements and the guaranteed annual income system. She must pay \$200 or more each month for urostomy supplies.

If Mrs. X's condition was the result of a cancer operation she could secure her supplies for free from the cancer society. However, it is not the result of a cancerous condition. If she was 19 years of age or younger, the supplies would be free from the assistive devices program, which probably sells 30 different urostomy supplies. However, she is 50 years too old for that. Incredibly, the social services in our city have told her that her income is too high to secure assistance.

In his opening statement, the minister called our attention to the expanding proportion of senior citizens in our population. Why is there no place in the world of the Ontario health insurance plan and the government's social assistance programs for seniors like Mrs. X

where they can go to secure relief from such intolerable costs for urostomy supplies? Why must she pay over a third of her small income on medical aids she absolutely requires?

**Hon. Mr. Norton:** Mr. Speaker, in his question, the honourable member actually did identify the obvious source of assistance. That would be the regional government, through special assistance in which the province of Ontario does participate. We provide funding to the municipality for special assistance.

If the member is saying the local administration is not responding to what he states is the need of the individual, then I would say that is the avenue he ought to pursue with those individuals as opposed to raising it on the floor of the House.

I am sure the member knows that the stated intention of the program the province has in place has been that it would be observed in operation for a period of two years, which is until next July if I am not mistaken, prior to any consideration being given to its further expansion. That is not an unreasonable position when one has instituted a comprehensive program whose operation is tricky. It is important to work out any problems prior to its expansion across larger age groups.

The mechanism that is in place to provide for the situation the member described is special assistance. I would suggest he take it up with the regional municipality.

**Mr. Allen:** When one does those things and one gets the answers one does and then the minister tells me I should not be bringing it to the House, I wonder where we are at in this Legislature.

**Mr. Speaker:** Question, please.

**Mr. Allen:** After all, what is reasonable? The unreasonableness in this situation is paying \$200 out of an income of \$570 for those supplies.

I will be sending the information with regard to this woman and her circumstances across the floor to the minister. I want to ask him if he himself will directly place questions with regard to special assistance and other agencies that might give her support. More than that, will he undertake now, on the floor of this House, to give us a commitment that he will indeed seek some amendment to the assistive devices program to bring seniors under its terms of reference and end their unjust exclusion from the benefits it provides?

**Hon. Mr. Norton:** I am sure if the member pauses for a moment and reflects, he will realize



that an equally compelling argument could be made for any individual who is in need of an assistive device in Ontario.

Interjections.

**Hon. Mr. Norton:** Nobody denies that. The fact of the matter is that because of the size and the comprehensiveness of this program, a sensible decision was made to implement it in a phased, a staged—

**Mr. Foulds:** A staged program?

**Hon. Mr. Norton:** The member is right. The period for the first phase for the observation of the operation of the program was a two-year period which will be up next July.

One may argue on the specifics of the urostomy devices and other kinds of devices for other individuals who are probably equally in need. The fact of the matter is it cannot be expanded at this time across the board and it will be expanded at the appropriate time once we have had experience with the program.

In the interim, I think the responsible thing for each of us to do when we face the kind of situation the member has raised is to pursue existing sources of assistance. If the member wants to send me the information on his constituent, I will certainly pass it along or at least discuss it with my colleague the Minister of Community and Social Services (Mr. Drea) and we will see what solution we can assist in developing for this individual. I see that this avenue of pursuit already has the blessing of the NDP leader. He just indicated so across the House.

#### TRANSITION HOMES

**Mr. Hennessy:** Mr. Speaker, I direct my question to the Minister of Community and Social Services. I have a telegram here from Thunder Bay which reads as follows:

"Please advise why no money has been allocated to the Faye Peterson House under Comsoc plans to rescue transition houses from closure due to lack of funds. Faye Peterson House is desperately in need of financial assistance and we solicit your support."

Can the minister reply as to what he intends to do in this matter?

**Mr. Speaker:** Order, please. The member for Grey-Bruce (Mr. Sargent), dashing as he may be, must be advised that hats are not allowed to be worn in the House.

**Mr. Sargent:** On a point of order, Mr. Speaker—

**Mr. Speaker:** There is no point of order.

**Mr. Sargent:** Yes, there is.

**Mr. Speaker:** No, no.

**Mr. Sargent:** Every year Kelso Roberts wore a derby in this House one day in the year to make it legal for guys to wear a hat in the House.

**Mr. Speaker:** It is no longer legal.

**Mr. Bradley:** Even for the Premier (Mr. Davis) to wear his Argo hat?

**Mr. Speaker:** He removed it on request.

Interjections.

**Mr. Speaker:** He took his hat off when he was asked to.

**Hon. Mr. Drea:** What does it say?

**Mr. Sargent:** "Team Peterson."

**Hon. Mr. Drea:** The member always was a little bit behind.

Mr. Speaker, I am glad the member asked the question he did. First, we have taken care of the money. I see the member for Port Arthur (Mr. Foulds) there, I am talking to him too, and to the member for Fort William (Mr. Hennessy).

I have a problem with this particular house in that it does not conform to the zoning in the community. They are going to be funded until the end of March. I would appreciate if the two local members would sit down with the municipality and the people who operate this house and get the zoning straightened out, because unless the zoning is straightened out I will not fund them after April 1.

This is something that has to be done locally in the community. It is not the fault of the municipality. That house was put there contrary to local zoning and it is going to require some work over the next three months. They are funded while that is being done. Knowing the calibre of the two members, I am sure they can settle the matter up there.

**Mr. Foulds:** Mr. Speaker, that particular house happens to be a block away from where I live and I have absolutely no objection to rezoning the area. I also want to say that the zoning in that area happens to have been changed by the city within the last two years.

3:20 p.m.

Can the minister advise us and clarify if he has now said he will supply funding for the Faye Peterson House because, as of 10 days ago, the information was that none of the transition homes in northwestern Ontario, including the Faye Peterson House, the Mayday Group Home on the north shore of the riding of my colleague the member for Lake Nipigon (Mr. Stokes), the Atikokan Crisis Home and Women's Place Kenora, had received any of the emergency

funding to save them from closure? Can the minister clarify this?

**Hon. Mr. Drea:** Mr. Speaker, let us get it on the record. I said the Faye Peterson House was taken care of through to the end of March. He knows my problem. I will not fund any type of community endeavour that does not conform to local zoning, and that is one of the strengths we have in the provincial program.

Second, in respect of the other institutions, the Atikokan Crisis Home, to the best of my knowledge, has not asked us for funds. If they ask for funds, we will obviously fulfil our commitment. In regard to the Women's Place Kenora, it was not funded by anybody. It is about to be established. It falls into a different category. In regard to the one that was mentioned in the Lake Nipigon riding, I do not know anything about it, but if the member will talk to me about it, we will—

**Mr. Stokes:** I have already written to the minister on it.

**Hon. Mr. Drea:** I have not got the letter. How about mailing it?

**Mr. T. P. Reid:** Mr. Speaker, before I put my supplementary, I would like to apologize for my comment to the member for York Mills (Miss Stephenson) earlier on in the day. It is not my practice to make personal comments.

**Mr. Speaker:** Thank you.

**Mr. T. P. Reid:** Did I understand the minister to say he had not had a request from the Atikokan transition house? I understood, and is it not the minister's understanding, that he was going to provide them with the funding after the request they had put in to him previously?

**Hon. Mr. Drea:** The commitment that was made by my colleague when Provincial Secretary for Social Development (Mr. McCaffrey), who was performing as the acting minister, and by the Provincial Secretary for Justice (Mr. Walker) was that any organization in this category that was being funded by the federal government, or whatever, whose funds were going to run out would be financed by the ministry.

To the best of my knowledge—and I asked about this the other day—the Atikokan Crisis Home had not asked for funds. If they ask for funds, we have an application. Maybe because of the date their funding is expiring, they may not be doing it in December; they may be doing it at a different time. I do not know. With regard to the question about the Kenora centre, it was not getting funding from anybody. If the group

in the riding of the member for Lake Nipigon falls within that commitment, it will be honoured.

If there is a problem in that the Atikokan Crisis Home does not feel it has to apply, that it will come automatically, then I would appreciate it if they were told that they should apply, not to me but to my Thunder Bay regional office, and we will take care of it there.

#### COMMUNITY CENTRES FUNDING

**Mr. Eakins:** Mr. Speaker, my question is to the Minister of Tourism and Recreation. The minister is aware that in addition to the concerns raised by the auditor relating to the awarding of government advertising contracts, the auditor is concerned about what the government is telling municipalities they will receive and what they will actually get.

The auditor says: "We felt there was a strong need to develop a system to monitor commitment levels against available resources so that the program could be managed with the financial resources allocated to it." Specifically, the auditor notes that the ministry has promised Ontario municipalities \$16.8 million in community recreation projects, despite the fact that the authorized budget for these projects is only \$10.8 million.

**Mr. Speaker:** Question, please.

**Mr. Eakins:** Is the minister going to keep the promise to the municipalities of Ontario? Will he state clearly for the record just how much money is available for these projects, \$16.8 million or \$10.8 million?

**Hon. Mr. Baetz:** Mr. Speaker, I will give the honourable member the answer on the specifics of the amounts involved. In the meantime, I want to make one point very clear. My ministry will certainly live up to every single commitment it has made for the Community Recreation Centres Act projects. Many of the communities are prepared to accept payments over two years as long as they know it is coming in a subsequent year. This is why we are prepared to make commitments over two years.

However, there has not been a case where my ministry has not lived up to any of the commitments made, and it has done so essentially within the time limit first laid out. As far as the actual, specific amounts are concerned, I will be glad to furnish that information to the member for Victoria-Haliburton or table it for the House here.

**Mr. Eakins:** The minister is also aware that the auditor points out that further applications

now on hold at the ministry could bring the total funds required to more than \$20 million. Is it his plan to honour these commitments to these municipalities? Will he take steps to ensure that in future his ministry will only make funding allocation promises to municipalities and other groups and associations which he knows can be honoured according to his budget?

**Hon. Mr. Baetz:** I think I replied to that in my first response. This ministry and this government will live up to every single commitment we make to every municipality. I think it is as straightforward as that. That is the commitment I have made and that is the commitment we will carry through and honour.

#### FARM STABILIZATION PROGRAM

**Mr. Swart:** Mr. Speaker, if the Minister of Agriculture and Food would move to his own seat, I would like to put a question to him. I wonder if he remembers that the best he could tell the red meat producers at the Ontario Federation of Agriculture convention after talking about the tripartite program was that "a red meat stabilization program should be in place next year."

Even the minister must be coming to realize that with farm gate prices remaining far below the cost of production, the time for many red meat producers to escape liquidation is fast running out. Will he confirm that a decision has just been made by his Farm Income Stabilization Commission of Ontario to deny any stabilization payments under the sow-weaner program for the period of April to September of this year, even though the weaner price was the lowest it had been in years? It will be the final blow to the pork producers.

Further, will the minister face up to his responsibility as Minister of Agriculture and Food and immediately provide an interim provincial support policy of substance for beef, pork and lamb producers in this province, as all the other major producing provinces have done, and keep it there until any tripartite program is in place?

**Hon. Mr. Timbrell:** Mr. Speaker, I want to take a moment to remind the member of the recent progress in establishing the tripartite program. He will recall it was Ontario that took the lead in early 1982 in promoting the development of such a program.

Five weeks ago yesterday the ministers of agriculture of Canada, Ontario, Alberta and Saskatchewan met and agreed on the tripartite plan. Since then the Canadian pork, beef and

lamb producers, through their national associations and the Canadian Federation of Agriculture, have been briefed on the details of the plan.

I have been asking Mr. Whelan—and I have reason to believe he may accede to this request—to call another meeting of the ministers within the next 10 days to two weeks so we can finalize this in order to have the plan in place as early as possible in 1984. Obviously, my preference would have been to have it in place a long time ago. We have been pressing in every conceivable way to get it in place as soon as possible.

One of the remaining items to be discussed when the ministers do get together is a proposal which has come from the Canadian Cattlemen's Association as well as the Canadian Federation of Agriculture for the federal government, under the existing Agricultural Stabilization Act, to cover slaughter cattle and the cow-calf sector at 95 per cent ASA.

**3:30 p.m.**

If the federal minister would agree to this, I think that would go a long way to resolving some of the concerns about 1983, particularly if he could find his way clear to do it for the slaughter cattle on a quarterly basis rather than an annual basis.

With regard to the existing provincial sow-weaner stabilization plan, I would remind the member that in three of the first six periods of the plan—and the plan, by the way, was discussed with and approved by the pork marketing board at the time of its original implementation—there were payouts and quite substantial payouts.

The stabilization commission, on which the lay representatives are entirely drawn from the farm sector, based on the figures available, concluded that a payout for period seven was not forthcoming. The pork marketing board representatives, including the chairman, met with me a week ago Friday to express their concern about that. I said I would set up a meeting for them with the commission, which was held last week. The commission, which again is predominantly made up of producer representatives, one of whom has a National Farmers Union background, one of whom has an OFA background and so forth, concluded it could not recommend a payment.

**An hon. member:** Time.

**Hon. Mr. Timbrell:** Mr. Speaker, is that a signal to cut it short? In short, that is what they have done, although they have agreed to waive



any premium for period eight which is under way.

**Mr. Swart:** Excuses, excuses, but never a system. Does the minister not realize the reason they could not give assistance under the sow-weaner program was the inadequacy of his legislation? He must realize—I hope he is aware—that the delegates at the OFA convention were so angered at the inadequacy of his program for agriculture, particularly the lack of assistance to red meat producers, that a strong movement was building to walk out on the minister when he spoke. It was killed only by the president intervening.

Recognizing the serious situation red meat producers in particular are facing, why does the minister not use the manipulative political tactics at which his government is so adept and make an announcement for an immediate interim provincial support policy of substance to the red meat producers, as all other provinces have done, and make it before the Stormont, Dundas and Glengarry by-election to ensure that at least one good thing comes out of that by-election.

**Hon. Mr. Timbrell:** In the case of the existing provincial sow-weaner plan, I would reiterate that we have a plan in place which was discussed with and approved by the pork marketing board at the time it was introduced. It is run by producers. The stabilization commission is controlled by farmers. They have looked at the matter twice and they have recommended no payment for period seven.

I would remind the member that there was substantial payment for three of the previous six periods. We are into the eighth period now. What he is saying is, "Fine, set up a plan and put producers in charge, but if you don't like the answer, destroy the plan." What he is talking about is destroying the plan.

**Mr. Sargent:** Mr. Speaker, is the minister aware of the program announced yesterday in Quebec, a six-year program allocating \$25 million, where farmers purchasing beef cows are eligible for a three-year interest subsidy of up to \$750 per head with a limit of 50 heads. A farmer can get a subsidy of \$37,500. That is in effect now in Quebec.

The minister is going to meet this afternoon with the Concerned Farm Women. What is he going to tell them about things like this?

**Hon. Mr. Timbrell:** Mr. Speaker, I am aware of the program introduced by Quebec, I think six weeks ago, not yesterday. It is one of a series of programs the Quebec government has to

promote self-sufficiency in that province in various commodities. At this point we are self-sufficient in a great many commodities, so we are really talking about two different situations.

With respect, I think some of the honourable member's figures are incorrect. I am looking forward to the meeting at 5 p.m. or 5:15 p.m.—I am not sure of the time—and I would be happy to discuss some of these programs at that time and also to review a number of the initiatives we have taken in the last year and a half such as the beginning farmer's program, our proposals for tripartite stabilization, and some of the things we are working on with respect to the red meat industry, which I would like to say more about in the weeks to come.

## PETITIONS

### INFLATION RESTRAINT PROGRAM

**Mr. McLean:** I have some petitions I would like to present on behalf of my colleagues.

"To the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario:

"We, the undersigned teachers, beg leave to petition the parliament of Ontario as follows:

"Whereas we oppose the extension of the Inflation Restraint Act because it is inequitable in its application to the citizens of Ontario and restricts our basic free collective bargaining rights; and

"Whereas we believe that an extension of the act or measures which will have a similar effect would violate the spirit of the Canadian Charter of Rights and Freedoms;

"We petition the Ontario Legislature to restore our free collective bargaining rights forthwith under Bill 100, the School Boards and Teachers Collective Negotiations Act."

### MINISTRY OF COLLEGES AND UNIVERSITIES AMENDMENT BILL

**Mr. Allen:** Mr. Speaker, I would like to bring before the Legislature a petition to the Lieutenant Governor of Ontario from 2,022 of the 2,850 students enrolled at Trent University. It reads as follows:

"We, the undersigned, demand the withdrawal of Bill 42 from the provincial Legislature. The threat to university autonomy which this bill presents makes it totally unacceptable. The presence of a supervisor with power to override the decisions of a university's governing body would effectively remove any autonomy our institutions now have. In order to maintain the present standard of education in Ontario

universities, this autonomy must not be compromised."

I support this resolution and send it to the table.

## REPORT

### STANDING COMMITTEE ON SOCIAL DEVELOPMENT

Mr. Robinson from the standing committee on social development presented the committee report and moved its adoption:

The committee begs to report the following bill without amendment:

Bill 111, An Act to Provide for the Review of Prices and Compensation in the Public Sector and for an orderly Transition to the Resumption of full Collective Bargaining.

Motion agreed to.

Bill ordered for committee of the whole House.

## MOTION

### WITHDRAWAL OF BILL

Hon. Mr. Wells moved that, at the request of the applicant, the order for second reading of Bill Pr31, An Act respecting the city of Kingston, be discharged and the bill withdrawn.

Motion agreed to.

## INTRODUCTION OF BILLS

### BARRIE-VESPA ANNEXATION ACT

Hon. Mr. Bennett moved, seconded by Hon. G. W. Taylor, first reading of Bill 142, An Act respecting the City of Barrie and the Township of Vespra.

Motion agreed to.

### CITY OF OWEN SOUND ACT

Mr. Sargent moved, seconded by Mr. Newman, first reading of Bill Pr53, An Act respecting the City of Owen Sound.

Motion agreed to.

3:40 p.m.

## ORDERS OF THE DAY

House in committee of the whole.

### PUBLIC SECTOR PRICES AND COMPENSATION REVIEW ACT

Consideration of Bill 111, An Act to provide for the Review of Prices and Compensation in

the Public Sector and for an orderly Transition to the Resumption of full Collective Bargaining.

On section 1:

**Mr. Chairman:** Mr. Foulds moves that subclause 1(m)(i) and subclause 1(m)(ii) be deleted from the bill.

**Mr. Foulds:** Mr. Chairman, I wish to speak to this amendment as well as to the bill itself in terms of this first section. I do not want to repeat any of the arguments we made on second reading or in committee outside of the Legislature when we were having groups speak before us.

However, it does remind me of the Beatles great hit, Hey Jude. I cannot quite remember the words, but I know that what we are engaged in here is a paraphrase of one of the lines from that song. What we have before us is "a sad song" and in terms of amendment, we are trying to "make it better."

I have some very severe reservations about whether we can make this sad song of Bill 111 any better. However, part of the process we decided to engage in was to try to make amendments to this bill.

I want to reiterate that we in the New Democratic Party caucus voted against this bill on first reading, we voted against it on second reading and we will be voting against it on third reading because this sad song cannot be made palatable.

However, the unpalatable song we have before us, Bill 111, because it has the endorsement of the Conservative-Liberal alliance, will undoubtedly pass this excuse for a Legislature. Therefore, we will do our best to try to make amendments that at least will limit the extraordinary and unusual powers that are being accorded to the government through this bill and to try to limit the extraordinary and, if I may say so, the vicious act of harshness that is being applied to workers in the public sector. It is only public sector employees who were affected by Bill 179 and who are being affected by Bill 111.

I am speaking in particular about the phrase "terms of employment", which is dealt with in the amendment we have before us. I would suggest that the government's action last year, and this year, not only has limited very severely the wage increases of public sector workers but also has very severely limited what one could call their terms of employment, or their fringe benefits. Those fringe benefits include a whole host of working conditions, from health and safety matters, which is a piece of legislation

that this government brought in, to equal pay for work of equal value, or whatever wishy-washy stage, progress or amendments this government has brought in. This bill, and this clause in particular, adversely affects all those government initiatives.

Later in consideration of the bill, we will be getting into where this bill supersedes any other piece of legislation in the province, and we will be proposing an amendment on that.

I do not believe that terms of employment should be included in the package that is as harshly and as viciously compounded or compacted as this bill is. Contrary to public opinion—and I am glad there are at least five Tories in the House—this bill especially works adversely against those workers in the public sector earning less than \$18,000. There are a very large number of workers in the public sector who earn less than \$18,000; they are the people in the nursing homes, who not only have had rollbacks by the Inflation Restraint Board last year but also paybacks.

There was a lot of foofaraw in the Legislature about the proposal of members of the Legislature being allowed a \$1,000 increase in expenses, which was something like 12 per cent. But none of the members of the Legislature, except for three, was going to take advantage of that. None of them has to endure a payback, which has happened to workers throughout this province in regard to Bill 179. This bill, and in particular this clause that has to do with terms of employment, does not allow for any catch-up for those workers who have had their salaries rolled back and who have paid back.

3:50 p.m.

Second, and speaking to the more specific principle that is enunciated in this clause, it is often those very public sector workers who are not direct employees of the provincial government and who are earning low wages who have, if I may say so, relatively lean contracts when it comes to terms of employment. Because they are so poorly paid, they must often negotiate almost solely with regard to money. That means items having to do with the terms of employment are at a very minimal level. Whether we are talking about the ventilation in the laundry of a nursing home or a hospital, travel allowances in connection with a woman who goes off the midnight shift, or a whole host of items that have to do with the length of the contract or with fringe benefits such as holiday pay and length of vacations, all these are at a very minimal level with this group of people.

This legislation, and this particular clause, harshly and dramatically keep those people in line; they keep those people down. Not only are their wages virtually frozen at five per cent at the very most, but also their terms of employment and the chance of increasing their ability to negotiate decent and humane working conditions are nullified by this clause.

I want to suggest as strongly as I can that the definition of terms of employment and every reference to terms of employment should be struck from the bill. If this government is going to harshly keep workers down in terms of their actual wages, the only decent thing it can do is to allow them to negotiate decent working conditions for their employment. If they could negotiate that, at least the government would have some justification in calling this a transition bill. This is no transition bill, although that is what it is being called. The government continues to hammer—that is the only word I can use—these workers so that not only do their wages keep falling behind but also their terms of employment keep falling behind.

I want to put on record a principle that is very important to the people in my party; it is the principle of redistribution of wealth. If the members of the government party are going to start talking about an incomes policy—and they are the guys who are starting to talk about it; they are the ones who had Paul Weiler start talking about it yesterday before the committee—

**Hon. Mr. Grossman:** We didn't have him talk about it.

**Mr. Foulds:** It was the Tory members who asked him to come.

**Hon. Mr. Grossman:** He raised it in answer to your question.

**Mr. Foulds:** It was the members of the government party who had him start talking about it. Have I struck a responsive chord there? I will be glad to give the minister the floor if he wants to respond to what I have said so far.

Interjection.

**Mr. Foulds:** This is committee. I am allowed to yield the floor. He is allowed to respond, and I can respond again.

**Mr. Chairman:** Would the minister like to respond?

**Hon. Mr. Grossman:** Mr. Chairman, I should just remind the honourable member that Mr. Weiler's comments were in response to the question of the member for Port Arthur, much to his embarrassment. We did not tell Mr.



Weiler what to say. I was not particularly anxious for him to come, nor did we suggest it.

**Mr. Foulds:** Mr. Chairman, the government does like to talk about an incomes policy, and if it is going to introduce legislation such as this, it has to start thinking honestly about allowing those people who earn very low wages to do some kind of catch-up with the people who are earning decent wages. It is this kind of clause and this kind of section which I say harshly and adversely affect people at the lower end of the scale.

It affects them in two ways. Because they are at the lower end of the scale, economically pressed and because the government is holding down their wages, they find it difficult to negotiate terms of employment or fringe benefits. What this legislation is doing is hitting them on both counts. The government is saying to them: "You cannot get ahead in your wages, and you cannot improve your contract in terms of employment. If you want to improve your terms of employment, you are going to have to take a cut in your wages." I suggest and plead with the government to withdraw this portion of the definition.

**Hon. Mr. Grossman:** Mr. Chairman, I understand the member's position that all these kinds of things should be topped up on the top-up. However, if we are going to have a meaningful sort-out among the bargaining units, with all things included and with the total costing of all the items, then we cannot leave out the terms of employment. If terms of employment and all the items that come under that were to be left out, then the public—many of whom are living with zero per cent and unemployment—will end up paying five, seven, nine or 11 per cent because of all the top-ups on the basic provision.

We think it is fair and appropriate that this be included in the costing so everyone understands perfectly well what settlement has been arrived at and its cost. This clause allows that to happen. I cannot accept the proposition that someone should not know the cost of these settlements. It seems appropriate to me that all the items that are going to cost the taxpayers should be made quite visible.

When the arbitration occurs and when the arbitrator makes these decisions, then the approach that the member and his party have taken from time to time, which is total visibility and open information to the public so they know all that is going on, is perfectly consistent with this bill. The public and the arbitrator both understand fully that a five per cent wage

settlement, and effectively other terms that may add as much as three per cent again to the five per cent settlement, are understood and visible.

An arbitrator will still make his or her own decision. We have specifically allowed that in the legislation, but it does seem to me the arbitrator, the parties and the public ought to know the full costs of any portions of the award. For that reason, we reject the amendment.

**Mr. Foulds:** Mr. Chairman, in his reply the Treasurer has once again drawn out the red herring that a lot of people are living with unemployment, as if people in the public sector are not living with unemployment. In the past few weeks, we have had dramatically brought before us a number of cases where people who were considered to be in the public sector have lost their employment because of contracting out, such as in the nursing homes. There is no security of employment in the public sector. That is a red herring.

None of the groups that represent public sector workers, whether they are nursing home people, whether they are from the teaching profession or whether they are municipal employees, have been spared layoffs. All of those groups have experienced layoffs in some part of the province in the past year under Bill 179.

I suggest the Treasurer cease to wave this argument that "It may be poorly paid, but you have a job," in this debate. It does not carry any weight. It does not carry any water.

**Hon. Mr. Grossman:** Mr. Chairman, with 680,000 people in the public sector, widely defined, even the member would have some difficulty in suggesting there is not a great deal more security amongst those 680,000 people than we have seen in the private sector over the past period of time. With respect, he cannot put the proposition that those 680,000 have seen something like 9.1 per cent unemployment, which is the average across our economy now. He cannot put the proposition that those 680,000 people were facing an unemployment rate of 9.1 per cent over the last period of time.

**4 p.m.**

I am not going to quibble as to whether there is no unemployment in the public sector or a very small amount, no job security or total job security. I am not interested in debating that with the member today. However, if he is suggesting there is not a great deal more security and almost no unemployment in the public sector, if he is suggesting that is not the case, then with respect I am going to continue to

differ with him on that point and argue that is a fair point to make when one is discussing the equities involved in this legislation.

**Mr. Foulds:** I would very much appreciate the ministry tabling the statistics it has with regard to unemployment in the private and public sectors. I would sure like to have it also table its definition of unemployment.

I would suggest a great many of the young people in Ontario who are facing unemployment, are seeking employment and have been trained to seek employment in the public sector. I would suggest that the number of foresters who have graduated from our forestry schools and universities and cannot get employment is entirely due to the fact that this government, in spite of its talk about reforestation, has done nothing in that area. It is doing nothing to create jobs for unit foresters to manage the forests and to supervise the forest management agreements the government has brought forward.

I would suggest the young people being trained in the colleges of education of Ontario who cannot find jobs have been trained by this government for work in the public sector. I would suggest that those people who graduate from the teaching colleges or the faculties of education of this province and who are lucky enough to find employment find it for only a year or two.

I challenge the minister and his officials to table any kind of hard statistics they have with regard to unemployment in the public and private sectors to back up their claims.

**Hon. Mr. Grossman:** Let us just try these. They are not our data but those of Statistics Canada. They indicate employment growth in 1981-82 in the public sector was 1.2 per cent and in 1982-83 was 1.6 per cent. I will let the member write those figures down.

The private sector dropped by 3.3 per cent in 1981-82 and did not grow or drop in 1982-83. That might indicate to the member that those graduates who were seeking employment in the public sector had better opportunities and more jobs in the public sector than they had in the private sector. There were fewer of them.

**Mr. Foulds:** I just want to say finally to the minister that an opportunity of 1.2 per cent is a pretty poor opportunity. Frankly I would suggest that if one actually analysed the data on the people who are being trained by our colleges and universities for work, whether they are in the so-called scientific professions such as forestry or the so-called social work professions

such as teaching, social work, etc., one would find a large number of disappointed young people because there are no job opportunities for them.

I want to say also, whether it is in jobs for people in the environment—who hires environmentalists? Surely they are public agencies. Who hires environmental engineers? Who hires foresters? The private sector does not. It is the public sector that hires them. The minister may be proud there are some job opportunities in the public sector, that there has been an increase of 1.2 per cent and 1.6 per cent. I would like to have the figures of how many of those are short-term jobs, how many are long-term jobs and how many are permanent employees.

What we originally started to talk about was security of employment, and if those are short-term contracts there ain't no security of employment, which the minister used to justify this kind of legislation as it applies to the public sector.

**Hon. Mr. Grossman:** Of course, the member finally got back to the point, which was security of employment, and the figures are quite clear. He may think that 1.6 per cent growth is not enough, but the fact is that there is comparative security of employment in that, quite obviously, the private sector lost 3.3 per cent.

If he wants to talk about creating more jobs in the public sector, which is the classic way that he and his party create jobs, that is terrific; that is a debate for another time and another place. When one gets right to it, if the member will reflect for a moment, had we not brought in last year's bill and this year's bill, we would obviously have been paying a great deal more to those who have security, because their contracts would have been higher.

**Mr. Foulds:** Can you not negotiate it? Do you not have competent negotiators?

**Hon. Mr. Grossman:** I will finish and then you can try once again to save this point you are trying to make.

We obviously would have been paying a great deal more and there would have been fewer jobs for those people coming out of the universities whom the member professes to be so worried about. He wants to say, "Pay more to the people who are here," and then complains that there is not enough money to provide more jobs for the people who are coming out. He could be consistent. But the point of this exercise is that there is, of course, a great deal more job security. The figures are evident.

**Mr. Cassidy:** Mr. Chairman, I think what I heard the minister say was that he thinks it would be a good thing to cut the wages of public servants by half so he could increase public service employment. That is the argument the minister is making.

**Hon. Miss Stephenson:** He isn't saying that.

**Mr. Cassidy:** That's exactly the argument he is making.

I want to speak specifically to the amendment proposed by my friend the member for Port Arthur (Mr. Foulds). The bill is a bad bill. I do not need to go into all of the things that have been said about it. But I must say that for a bunch of supposed free-enterprisers to come in with this degree of regulation and intervention certainly raises an awful lot of questions about the bona fides of a government that says it believes in leaving some things to be regulated on a noncoercive basis.

The coercion is particularly strong in relation to this clause, because it does not even apply to all public servants. It effectively applies only to those public servants whose contracts are settled by arbitrators and who do not have the right to strike. They are a rather limited group, but the treatment there, as we have argued in the second reading debate, is exceptionally heavy handed.

I would suggest that if you read this clause literally it could be so wide-ranging that it would touch the question of whether or not new desks or typewriters were being bought for workers who happen to be affected by an arbitration or whether they had to pay 15 per cent more for air fares because Air Canada's fares have gone up by that much. I think one could make the argument—it has been made before—that any expense allocation for these employees, regardless of what they have to spend, would have to be limited according to what the phrasing of subclauses 1(m)(i) and 1(m)(ii) actually means.

Maybe that is not what was intended, but the law as the minister has put it is an ass. To impose this extra obligation in terms of reporting with respect to those contracts where an arbitrator is forced to do interest arbitration simply makes it more of an ass. I would suggest very strongly that if the Inflation Restraint Board is going to try to implement this act, it is unworkable in respect of any effective reporting and therefore it is not going to be operated in an effective way. Perhaps we should be thankful for that because it is bad law.

The amount of detail into which the board is meant to go, the amount of time in which it is

meant to review whether it is satisfied with the information being made available, the amount of information that is now to be required of arbitrators and just the sheer complexity of the definition of this term, "terms of employment," are enough to boggle the mind.

**4:10 p.m.**

Over the last few days I have had the chance to meet with some of the people in Stormont, Dundas and Glengarry and other parts of the province; constituents, small businessmen and other people like that. The complaint they have about this government, which has been in power for 40 years, is that they are getting absolutely fed to the teeth with the fact they are constantly being required to give more and more detailed statistics and information which is fed into the maw of government for reasons they cannot understand.

I suggest this is a costly and an unnecessary requirement. It is simply another example of how this government, far from its supposed free enterprise principles, is overregulatory; it is Tory, and this clause should be withdrawn.

**The Deputy Chairman:** The question to be decided is, shall subclauses 1(m)(i) and 1(m)(ii) be deleted from the bill?

All those in favour will please say "aye."

All those opposed will please say "nay."

In my opinion the nays have it.

Vote stacked.

**The Deputy Chairman:** Are there any further amendments to section 1? I did not hear the member for Rainy River (Mr. T. P. Reid). Oh, I was not supposed to hear him.

On section 2:

**Mr. Foulds:** Mr. Chairman, I think my party will be voting against section 2. That would just gut the whole bill.

**Hon. Mr. Grossman:** Let us let the record show the New Democratic Party is against Her Majesty.

**Mr. Foulds:** I really did want to move along briskly; however, the Treasurer is so provocative. I have often been accused of being a Marxist and I am not. I have often been accused of not being a monarchist and I am.

If I were not a monarchist, my personal life would be a shambles. My wife, who was born in Yorkshire, is one of the strongest monarchists I know. She is also a socialist. I want to tell the House I am talking about Her Majesty, which is in section 2, part of the bill, and I am speaking directly on the clause.



I started out by quoting one of the great Beatles' songs in the 1960s, Hey Jude, which was about "a sad song" and trying to "make it better." If anybody remembers, one of the great Beatles' albums had a very cheeky song about Her Majesty. What one of them said was they thought Her Majesty was a pretty fine girl and they were going to make her theirs. I thought that was a pretty cheeky thing to say about Her Majesty. I would not have the gall. I have so much respect for Her Majesty. I would not have the cheek the Beatles had. Yet the Beatles had an audience with Her Majesty, which I had as well, believe it or not, some 12 years ago.

**Mr. Cassidy:** Can the member sing?

**Mr. Foulds:** No, I cannot sing. I just behaved myself exactly as protocol allowed.

Anyway, just to set the record straight for the Treasurer, I do not think we should sully the reputation of the monarchy or sully the reputation of Her Majesty in right of Ontario by forcing this act upon her, by having her representative in the province sign it. I believe this act should not bind Her Majesty in right of Ontario because if we deleted this section from the bill it would of course gut the whole bill. This party will vote against this section in order to attempt to defeat the principle of the bill.

**The Deputy Chairman:** I thank the honourable member and I think he has taught the Treasurer a lesson—not to be provocative.

**Hon. Mr. Grossman:** Mr. Chairman, I might remind the member for Port Arthur that Her Majesty will have the opportunity to decide whether or not she wishes to be bound by this some time later next week. Her own representative could speak for her at that time, or nod his head on her behalf.

**Mr. Cassidy:** Mr. Chairman, I do not want to be too frivolous, but I have some questions about the language of this section and for that reason I would oppose it, because I always thought this was a family Legislature and we should be able to take these bills home and show them to our children. With that, I will be seated.

**The Deputy Chairman:** Does any other honourable member wish to speak on this section? Is it the pleasure of the House that section 2 carry?

All those in favour will please say "aye."

All those opposed will please say "nay."

In my opinion the ayes have it.

Motion agreed to.

On section 3:

**Mr. Foulds:** Mr. Chairman, I move that subsection 3(4) be deleted from the bill and I have, if I may say so, some serious comments to make.

**The Deputy Chairman:** We will record that Mr. Foulds moves that subsection 3(4) be deleted from the bill.

**Mr. Foulds:** I want to read that subsection. "This part," and that is the part that has to do with compensation review, "applies notwithstanding any other act or any agreement made before or after the coming into force of this act."

I want to speak for a few moments about the principle that is embedded in that part of the clause. It is this kind of clause that I find increasingly abhorrent when it is introduced into legislation.

What this clause does is nullify all of the other legislation that has been passed by this Legislature as this bill affects it. Particularly, the preamble of the Labour Relations Act is set aside by this clause. The preamble to the Labour Relations Act indicates that the purpose of that act is to encourage the processes and procedures of free and full collective bargaining.

This bill inhibits full and free collective bargaining. This bill inhibits the arbitration process and there is no denial of that by the government. The government's purpose in bringing forward this legislation is to curtail and to contain full and free collective bargaining. Its purpose is to contain and direct what has been up until this point independent arbitration.

What this clause is saying is that the bill we have before us, Bill 111, that has to do with compensation review, nullifies all of the thought, all of the work, all of the legislative drafting that has gone on in this province since Confederation. I happen to think that that is a very serious step.

4:20 p.m.

I happen to think that setting aside the provisions of other acts of this Legislature that have been duly debated, drafted by the government, passed by this Legislature; the setting aside of that in a mere two and a half lines is a very serious act for a Legislature to engage in. It is an especially serious act when an approximate quorum is in the Legislature discussing this bill.

One of the things that has happened in the last 10, 12 or 15 years is that parliaments and legislatures have enjoyed less and less good opinion by the public. The public now has a much worse opinion of legislators and of Parliament than it used to have. I suggest it is

because we pass stupid laws such as this one with stupid clauses such as this one.

Without a shadow of a doubt there are very few, if any, people in the Legislature today who have a full knowledge of the collective bargaining process, and I include myself. I suggest there is nobody sitting in the Legislature today, as we are passing this clause, who has a full knowledge or any experience of the arbitration process.

Yet if we pass this clause, we are passing an act which will interfere with collective bargaining under the Labour Relations Act, with the negotiating procedures and arbitration under the Crown Employees Collective Bargaining Act. It will interfere dramatically with the arbitration process as described in the Police Act. We shall pass a clause that has in it the innocent words, "This part applies notwithstanding any other act or any agreement made before or after the coming into force of this act." That is just the sweeping kind of legislation that should be unconstitutional.

The proper way to go about amending, in a legislature or a parliament, is to amend the individual acts and to have them out on the table. I would challenge any member present today in the House, including the minister, to get up and tell us exactly which acts are affected. Perhaps the minister's officials will run and give him a list. I hope so because I want to get that on the record.

That leaves aside that this act applies to any agreement made in the province. An agreement, if one turns to the definition section, is not defined. Or is it? It is certainly not in the definition section. Where is "agreement" defined? I do not find it in the definition section. Where is it defined? Let me ask that question while I am in full flight here.

**Hon. Mr. Grossman:** It is defined under clause 1(c), "collective agreement."

**Mr. Foulds:** Clause 1(c) refers to "collective agreement." The ministry is not using the words "collective agreement" here; it is just using the word "agreement." Why? I would say that is sloppy draftsmanship.

**Hon. Mr. Grossman:** There are many words in legislation that are not defined in the opening sections. "Agreement" is a fairly common word and ordinarily is not defined except for this specific type of agreement, which is a collective agreement.

**Mr. Foulds:** I would like to know, does it include verbal agreements where there is no collective or written agreement between employ-

ers and their employees? Is that why the ministry has used the word "agreement"?

**Hon. Mr. Grossman:** I am not sure what the member is seeking here, but what we want to make clear is that it applies to agreements. Any kind of agreement has to be included. There is no narrowing, it is meant to catch everything.

**Mr. Foulds:** That is exactly the information I needed because, if it applies to any agreement, does that apply to an agreement between different ministries with regard to salaries for employees? Does it apply to different levels of government from a ministry to an agency that it funds? That is the very point we are raising and the very point I wanted to make as to why this section should be deleted. We do not know the number of agreements or the type of agreements. We do not know the scope this piece of legislation is affecting; yet we are blithely passing it.

I suggest that is an authoritarian view, a dictatorial view of the law. Before we pass a law, before the government proposes a law, we should know what the hell it is affecting. They do not know. The minister says an agreement is an agreement. The term "agreement" is not defined. Clause 1(c) says: "'Collective agreement' means a collective agreement as defined in the Labour Relations Act . . ." and the further wording in clause 1(c). What I want to know is how wide is the net? How can we as responsible legislators pass this clause when we do not know whom and what it affects?

There is either one of two reasons why the government wants to pass it. Either it wants authority concentrated in the hands of the executive council or it does not know. If they do not know, they should not do it because it seems to me one of the fundamental principles is that one should not unnecessarily take away people's freedom. It seems to me this clause does.

**Mr. T. P. Reid:** Mr. Chairman, since I believe the minister has his legal experts in front of him and the legislative draftsman is under the gallery, I wonder if he can indicate if his law officers have given him a legal opinion on the bill as to all the provisions, not just this one, but all of them vis-à-vis the Constitution and the Charter of Rights.

Can he tell us that in their opinion and on their advice this bill is in order with the Charter of Rights and we will not see what we saw last time, where this party in particular and my friends to the left argued parts of the last bill were unconstitutional? Can he assure us his law

officers have told him that not only this phrase but all of the bill is constitutional?

**Hon. Mr. Grossman:** Yes, we have such a clear opinion from the Attorney General (Mr. McMurtry) with regard to Bill 111. I might say the Attorney General's office still believes last year's was constitutional.

**Mr. Foulds:** I think that is a very good question posed by the member for Rainy River. I would like the Treasurer to table the opinion of the Attorney General that has been offered to him so we can discuss this bill with more background knowledge. I notice it was not included in the compendium of information given to us.

**Hon. Mr. Grossman:** The member might feel free to debate it on the basis there was a phone call from the solicitors at the Attorney General's ministry to his people in my ministry indicating that, yes, in their view it complies with the Charter of Rights. He may want to argue with that, but that is the opinion.

**Mr. McClellan:** Do you have the telephone slip? Could you table the pink slip from the telephone conversation?

**Hon. Mr. Grossman:** I can give him the phone number. I would be happy to and the member could debate it.

**Mr. McClellan:** That is a wonderful way to do things.

4:30 p.m.

**Hon. Mr. Grossman:** If the answer were no, we would have a letter. If they had doubts, if they had qualifications, there would be a long letter perhaps outlining the pros and cons and the strengths and weaknesses of the case. But they believe it is lawful. What else needs to be said?

**Mr. Martel:** That is what the minister said the last time.

**Hon. Mr. Grossman:** Mr. Chairman, I will be pleased to respond if you wish.

**The Deputy Chairman:** The Treasurer can sit down and further questions will be asked.

**Mr. Foulds:** Mr. Chairman, in the minister's defence, I believe he was attempting to answer the series of questions I raised before.

**Hon. Mr. Grossman:** Yes, I was. The member for Port Arthur suggested we should not have subsection 3(4) because the word "agreement" is too vague, too all encompassing. I want it to be clear that it is not vague but it is all encompassing. It is meant to cover all agree-

ments which affect compensation. It is meant to include all sorts of agreements which may be entered into, between whomever and however they are done, in order to ensure that they do not defeat the purpose of the act. So let us be clear; it has that wide sweep and we know that.

If the member says he wants to see all the possible arrangements that may be caught by it so he can vote on it, I would suggest to him, with respect, it is a little like saying that one cannot pass amendments to the Income Tax Act because one cannot see all the people who may be caught by it, may be affected by it or, for that matter, cannot know all the arrangements that people might enter into in order to avoid the taxation which one is trying to put in place. It is the same principle.

**Mr. Charlton:** Mr. Chairman, the point the minister makes, and which my colleague the member for Port Arthur raised, is a very good one. It is causing me some very serious difficulty here because this government has not yet straightened out who was covered by last year's bill, let alone who is going to be covered by this year's bill. We have contracts in this province, negotiated 10 months ago, for which the Inflation Restraint Board cannot decide whether or not it is responsible and on which no ministry over there will give a ruling.

My colleague the member for Algoma (Mr. Wildman) has a situation where constables on reservations are paid through the Ontario Provincial Police, but they are hired and employed by the band. Their contract was settled some 10 months ago. The IRB has said that it is not its responsibility to decide whether they are covered. The government does not know whether they are covered and will not rule, so these people are without any increase. Now the government is asking us to pass a bill with this kind of definition, which the minister says is that wide, but he will not define who it covers or who it does not cover.

He is asking us to pass a piece of legislation which is going to put those same people who are having problems with last year's legislation into a similar bind again. It is not acceptable.

**Mr. Foulds:** I would like the minister to respond if he could, not only to my concern about the word "agreement" in the section, but my very serious reservation as a legislator about passing laws that abrogate other laws.

The minister has not addressed that point at all. He is, after all, a lawyer. He should have some thoughts, both as Treasurer and as a lawyer, about what he feels as to why he has the



right and why this government has the right to bring in a piece of legislation that affects a number of other laws.

First, I would like him to tell us in committee—and that is what committee is about—which other laws are affected. What are the other acts that are affected in line one and how are they affected?

**Hon. Mr. Grossman:** With respect, all of us have participated in the passage of legislation with this kind of clause in it. It is done often and it is done simply because either one approves of the principle of what one is doing in this legislation or one does not. I am not asking the member to approve—well, yes, I am asking him to approve the principle of this bill. He does not. But once one does approve of the principle, then the simple question is what is the best way to implement and legislate those changes? One cannot implement those kinds of changes, which the member disagrees with, without amending or overriding certain portions of certain other pieces of legislation.

The only other way to have done this would have been to bring in one-section amendments to a number of pieces of legislation. It would have had the same effect, except that when the program finished, we would have to go back and reamend them again to bring them back to the status quo. Surely this is the more sensible way to proceed, given that ultimately everything ends on this floor. The members have every right and opportunity, which they are now exercising, to say we should not be proceeding in this way. This is just one way of handling the circumstance of implementing the principle which we on this side endorse in this legislation and some members do not. This is very much a matter of how one implements, not whether one implements.

**Mr. Foulds:** Mr. Chairman, could I speak to that? What the minister is telling me is that this is the convenient way to do it, not the best way to do it. It is the easiest way to do it. I remind the minister that was the very argument that was found wanting in the Supreme Court decision of a few weeks ago with regard to Bill 179. They used the words the Minister of Labour (Mr. Ramsay) used, that it was the "sensible" way to proceed.

What governments think is sensible, easy or convenient is a very bad principle of law. I am not going to let this section go easily. What we are doing is amending a whole host of laws. We have not even had a statement from the government side about what those laws are. The

minister refuses to tell us the agreements because he admits he does not know them. As a legislator, the minister with his officials should have done enough research to know which laws they were overriding. I would like that on the record before there is final consideration of this section. That is a principle that a Conservative should endorse. We should know the law we are overriding. We should know the traditions that we are changing before we pass a law or a clause. Damn it, we should have that information in front of us.

**Hon. Mr. Grossman:** I did not use the word "convenient" and I am not going to get into the game of adjectives with the member with regard to the reason for proceeding in this way, except to say that if the member wants to suggest I said it was convenient, not the best way, let me say quite clearly that I think it is the best way. That is why we proceeded—

**Mr. Foulds:** If you think convenient is the best way,—

**Hon. Mr. Grossman:** The member has a tough enough time putting words in his own mouth; he should not put them in mine.

I will give the member the list. He will not be surprised at the list because it essentially reflects the statutes which were referred to by those who appeared in front of us at the committee stage. The list includes the Colleges Collective Bargaining Act, the Crown Employees Collective Bargaining Act, Fire Departments Act, Hospital Labour Disputes Arbitration Act, Labour Relations Act, Police Act, Public Service Act and School Boards and Teachers Collective Negotiations Act, all the things we talked about in committee.

**Mr. Martel:** What about LARAP, the Legislative Assembly retirement allowances plan? He does not know them all.

**Hon. Mr. Grossman:** The member can give us his list if he likes.

**Mr. Chairman:** Order. The member for Port Arthur has the floor. The member for Sudbury East now.

**Mr. Martel:** Mr. Chairman, the minister invited me to give an example of what he does not know. There is an amendment before the Legislature now that cannot proceed because it conflicts with the legislation the government has before us. All it does is change from three years to 36 months. The Treasurer does not know the effect of it, and nobody did. The actuaries finally looked at it and they say it is 1.67 per cent out of whack; therefore, the

government cannot change the Legislative Assembly retirement allowances plan.

The minister does not know what he is talking about. He has some of the act and he comes around here like—I will not say it. He has not figured out the effects and all the ramifications of the legislation. When it was discussed yesterday at the Board of Internal Economy, everyone was amazed that it could have an effect in places that no one even thought about, including the minister with all his pomposity. He comes around here and he is so pompous; Nobody knows what he is talking about, except him. He does not know all the ramifications, and that is what is wrong with part of the legislation.

**4:40 p.m.**

He brought in a piece of junk. Last year when it was great to be out front leading the way, the government followed the Liberals because the polls said it was good. This year when it is not so good, the government brings in something else and tells the people to negotiate their way out of the mess the government created last year.

Who do they think they are? They say: "You can negotiate your way out of the mess we created. We will leave it to collective bargaining now." The Treasurer says, "We didn't put a freeze on." Big star. They will fight with each other, but he will control the purse-strings. It is a pretty sleazy piece of business, if you ask me.

**Mr. Stokes:** Mention the teachers' superannuation bill.

**Mr. Martel:** Yes. At the same time he has got this and he has got the teachers' superannuation bill, which has been long promised by the Minister of Education (Miss Stephenson). How they are going to make that retroactive is going to be interesting, since it was promised a year and a half ago.

**Hon. Miss Stephenson:** That is clearly spelled out.

**Mr. Martel:** It is clearly spelled out, except the board might just say it is not possible—as the minister walks away—to make it retroactive.

**Hon. Miss Stephenson:** Read the Ontario Secondary School Teachers' Federation Bulletin.

**Mr. Martel:** I can read anything I want. We found out as late as yesterday afternoon that the Legislative Assembly retirement allowances plan bill could not proceed; so there are effects the minister does not know about.

I go back to what I was saying before the Minister of Education intervened. We do not know how she is going to make that retroactive.

I am going to be interested to see how she fulfils that promise, and how much she is going to ask the teachers to pay back in income to make it possible for them to change from seven to five years.

Maybe the actuaries have told the Treasurer what it is going to cost, and maybe the Treasurer can tell us what it is going to cost those teachers to get the promise the Minister of Education made 18 months ago.

**Mr. Foulds:** How many retired on that promise?

**Mr. Martel:** We do not know how many have retired, and that is why I ask how many of them are going to have to pay things back.

It is interesting. The minister sits there and tells us all the things he has been throwing back at us. He created the mess, and most people will tell him it did not do a thing. Most of the government members are holding their breath hoping the American interest rate does not go up because if the American interest rate goes up, so will the rate of inflation and their program will be shot to hell because it was not a program in the first place. The only reason it flew was that the American interest rate went down; and when it went down so did inflation and the government happened to look good. But as the bank rate slowly nudges its way upward they must be sweating some bullets over there.

I cannot help recalling back in July or August when the Liberals were going to have their birthday party over six and five. I think members know Erik Nielsen, the acting leader in Ottawa. He said the federal program was a farce and they fought unemployment on the backs of the unemployed. That is what he said to the federal Liberals in Ottawa, and here we are with the same bit of junk here.

**Mr. Harris:** So he's not perfect.

**Mr. Martel:** No. One guy said one thing; the rest of us opposed it.

We see a clause like the one before us, and the minister says, "It is all-encompassing." I suggest to the minister that he does not know the full ramifications of the legislation before us. I asked him to explain LARAP and I will ask him to explain the teachers' superannuation.

What is going to happen when the legislation concerning teachers' superannuation is brought forth? Will the government be able to make it retroactive? Will people have to pay back to qualify, even though they were promised the amendments to LARAP a year and a half ago? They have not been forthcoming. Has it been looked at actuarially to determine whether they



owe money? I ask the Treasurer to tell me that before I continue.

**Hon. Mr. Grossman:** Mr. Chairman, I am not going to discuss teachers' superannuation until that bill, if it is introduced, is introduced. That is the point at which we can discuss that bill. If the member is opposed to it, he can say so at that time.

**Mr. Martel:** That is too easy, Mr. Chairman. The Treasurer is the one who just a few moments ago—

**Hon. Mr. Grossman:** I am debating Bill 111.

**Mr. Martel:** We are talking about Bill 111 and what it does to other legislation, and the Treasurer is not prepared to discuss that. He is not prepared to talk about how it affects other people, other pieces of legislation and whether it affects them detrimentally. Is that what he is telling me?

**Hon. Mr. Grossman:** As I indicated earlier, the intent of this section, whether his party chooses to support it or not, is to catch all other agreements. As we found out on other occasions, just as this bill superseded some other legislation other legislation could, if it were desired, be brought into this House to supersede this. Those decisions might be made at another time, but I can say right now this act says what it says; it says it catches all agreements.

Just to correct the record so the member will not be in error—because I know he rarely is and always likes to be correct—as to his suggestion the Legislative Assembly retirement allowances plan is affected by Bill 111 and the concern he expressed, I believe if he checks he will find the problem with LARAP is Bill 179, not Bill 111.

**Mr. Martel:** That is not quite the understanding my friend the member for Brant-Oxford-Norfolk (Mr. Nixon) and I received yesterday from the government House leader (Mr. Wells) at a Board of Internal Economy meeting.

We are now told the thing will go its merry way as of April 1. It still raises the same question, though, does it not, if the government does not know the full effects or ramifications of the legislation before it, or that which superseded it, Bill 179? It went ahead with the piece of legislation because the polls looked good. Now the Treasurer is telling people to scramble their way out of it. He came here and blithely said he and the member for Cochrane North (Mr. Piché) had worked out a solution to a problem up there. The minister contradicted himself a number of times thereafter, because there does not seem to be a solution, or there has not been.

He does not know the full effects. That is what we are saying. He wants us to pass a piece of legislation when he does not know the full effects of the various agreements that are before him. He can say that he does not want to talk about that or that he does not want to talk about the teachers' superannuation, but we are not talking about the teachers' superannuation *per se* in the recommendations or the legislation as it comes in. It is what this does to that legislation or the potential for passing it or making it retroactive.

Is he saying it was Bill 179 that made it impossible for the government to bring in and fulfil the promise the Minister of Education made to the teachers? Is he saying it will be next year and he can make it retroactive to those teachers who took their pensions based on the minister's statement that she was amending the legislation? What does he do with those people to rectify what he has done to them by the legislation he is passing?

Surely that is not beyond the capacity of the minister to respond to. He cannot hide behind it and say, "You are talking about superannuation and I am not prepared to talk about it," when these last two pieces of legislation are what affected the commitment she made to the teachers who took their pension. I ask him to tell me how we are going to get out of it.

**Hon. Mr. Grossman:** When that is finally resolved, the member will see it on the floor of this assembly and then we can chat about it at length.

**Mr. Martel:** What the minister is saying to me is that he does not know. He is proposing and wants us to vote on a piece of legislation that could affect the outcome of that legislation. Is that what he is telling me? There is the potential for seeing it not passed even though there has been a commitment and people have taken their pensions based on the government's commitment. Is that what he is telling me this bill could do?

**Hon. Mr. Grossman:** I am telling the member that extensive meetings have been held with the teachers' federation.

**Mr. Martel:** I understand that.

**Hon. Mr. Grossman:** If the member understood it, he would not be asking these questions because the answer would then be self-evident. However, when the bill is introduced, if it is introduced, the member can then comment on—



**Mr. Martel:** That is the issue—"if." That is what I am asking.

**Hon. Mr. Grossman:** That is very interesting. If it is, he can comment on it. If it is not, he does not have a concern, because this bill will not apply to it.

**Mr. Martel:** I am asking whether this bill will prevent it. Surely the minister is in a position to tell me that. He is the Treasurer. He should be able to tell me whether this piece of legislation is going to prevent that from occurring. That is all I am asking him.

4:50 p.m.

**Hon. Mr. Grossman:** I am saying that when it occurs or when it does not—

**Mr. Martel:** You do not know.

**Hon. Mr. Grossman:** Of course I know. My deputy minister has been the spokesperson for the government over the last little while.

**Mr. Foulds:** Your deputy minister was made the spokesperson.

**Hon. Mr. Grossman:** He has been meeting with the Ontario Teachers' Federation; the member's colleague probably knows that. Therefore, I can assure the member that everything that is being worked out, if it can be successfully worked out—

**Mr. Foulds:** If; tell us what has to be worked out.

**Hon. Mr. Grossman:** If the member wants to complain next Friday, or whenever we leave this assembly, that the bill has not been introduced, then he can be my guest. But until that time, it may be a little premature for him to suggest that all these impacts are going to take place on that agreement.

**Mr. Foulds:** The Treasurer gave us a list, I believe, of seven bills affected by this piece of legislation. Can he assure us these are the only acts affected by this piece of legislation?

**Hon. Mr. Grossman:** Those are the major pieces of legislation. Let us be absolutely clear, and I have made it clear: the intent of this section is not only to cover those bills. We would have listed the bills if that were the intent. In the event there are other agreements or implications flowing from other legislation, then obviously we want them caught by that section.

The member may not agree with that—he does not agree with it—but I am not hiding the fact that the object of the word "agreement" is to catch all those other agreements.

**Mr. Foulds:** I think the Treasurer has made

my point, although perhaps less clearly than I would like it to have been made. That is, this piece of legislation in terms of a legal document, in terms of the power it gives to the Treasurer and to the Lieutenant Governor in Council, is just as draconian and just as harsh as Bill 179.

He is saying this bill has the right to override not only the acts he knows about and can name today in front of us but also any other act he may not have known about. Those are bills such as the ones my colleague and friend the member for Sudbury East points out: the Legislative Assembly Retirement Allowances Act and the Teachers' Superannuation Act. Does it affect those acts or does it not? If it does, why does he not say so?

He has a very bad principle here. It may be neat, it may be convenient, it may be easy legislative draftsmanship, but it is bad legislation. It is a bad procedure for a Legislature to agree to, because we are passing a law and we do not know the total effects of it.

I suggest with all the help he has available the minister should be able to tell us all the acts this law affects. If he cannot tell us, I am not agreeing, and my party is not agreeing, to this subsection 3(4).

**Mr. T. P. Reid:** Mr. Chairman, something bothers me about what the minister said in regard to this whole matter. Let us take the Teachers' Superannuation Act as an example. He indicated there might be some provision in that act to exempt it from this bill. Subsection 3(4) of this bill reads: "This part applies notwithstanding any other act or any agreement made before or after the coming into force of this act."

Frankly, I do not see how the minister can have it both ways. The minister has agreed that this is a catch-all intended to catch each and every agreement and act, whether he is knowledgeable of all of them or whether the government has a list somewhere. However, then he turns around and says, "Despite the wording of this section, we can pass another act saying that, except for this bill, Bill 111 applies."

I do not see how the government can do it both ways. Under the phrases in section 11, which the government usually puts in to give itself all the authority in the world to do whatever it wants under any circumstances, I do not see how the government can have it both ways. The statement about allowing a bill to escape subsection 3(4) exactly contradicts what they have there.

Can the minister tell us what it really is? Or is

he contemplating, for every unforeseen incident which he has not obviously thought of, bringing in a separate bill and exempting it from Bill 111?

**Hon. Mr. Grossman:** Mr. Chairman, let me read the subsection again and explain which words modify which—or which are intended to. “This part applies notwithstanding any other act”—that is existing: “any other act”—“or any agreement made before or after the coming into force of this act.” Therefore, “before” and “after” modify “agreement.” They discuss agreements made before or after. It does not bind legislation made after.

**Mr. Foulds:** Well, that is any agreement.

**Hon. Mr. Grossman:** Yes, the act portion ends at the word “act.”

**Mr. T. P. Reid:** The Minister of Colleges and Universities (Miss Stephenson) will get even with me for my earlier intemperance. However, if the minister reads that—and I gather his draftsmen and his lawyers have told him—he will see that it says, “This part applies notwithstanding any other act or any agreement made before or after the coming into force of this act.” If we were to leave out the phrase “or any agreement” —I am not sure where the punctuation goes and how it should fit; however, there is a double subject there—it would seem to me the following phrase would apply both to the “act” and to the following “agreement.”

**Hon. Mr. Grossman:** As the Minister of Education points out to me, it is a double object and not a double subject. I am disappointed the member did not know that. However, I think it would be read the way the member is suggesting if we had two commas in there. I think commas would make it read the way the member is suggesting it might read.

**Hon. Miss Stephenson:** Punctuation always helps.

**Hon. Mr. Grossman:** Punctuation always helps; that is what I always say. I think the important thing to remember in any reading of this legislation is that if subsection 3(4) is drafted so as to purport to bind the crown in the future—which I suggest to the House it does not purport to do; but if it is read that way—it is academic since the crown cannot bind itself in terms of the future.

**Mr. Martel:** You covered it all with a wide net.

**Hon. Mr. Grossman:** The Legislature, yes.

**The Deputy Chairman:** The question to be

decided is, shall subsection 3(4) be deleted from the bill?

All those in favour will please say “aye.”

All those opposed will please say “nay.”

In my opinion the nays have it.

Vote stacked.

**5 p.m.**

On section 4:

**Mr. Foulds:** Mr. Chairman, I do not have an amendment to section 4. However, my understanding is that, in clause by clause, we can discuss without actually having to move an amendment.

**The Deputy Chairman:** Absolutely.

**Mr. Foulds:** I would like to discuss subsection 4(1) with the Treasurer. I am particularly disturbed by the phrasing in lines 2 and 3: “The board shall assess changes in compensation in the public sector to determine their conformity with such criteria as the Treasurer determines and report on its findings to the Treasurer from time to time . . .” What I find worrying once again are the wide-ranging powers granted to the Treasurer in this section; that is, “to determine their conformity with such criteria as the Treasurer determines.”

The Treasurer has said in his statement that the criterion is five per cent, period, for the compensation package. As I understand it, the Treasurer has also said he will have those criteria published in the Ontario Gazette. Is that correct? If I am correct so far, what I would like to know is whether we have a commitment from the Treasurer that every time he issues a press release or statement about the criteria he is going to gazette it.

This section once again gives an enormous power; it is not even regulation, which is bad enough, i.e. a passage of an order in council by the cabinet after some discussion, one assumes. Never having been into the secrecy of cabinet I do know how quickly or how superficially or how sleepily orders in council are passed, but in this case, the Treasurer, ex cathedra from wherever, from the Frost Building, from a seat in the Legislature, from Stormont, Dundas and Glengarry, or from the Albany Club, can announce the criteria, because he has the total right to determine what the criteria are.

Once again, I am very loath to pass a clause in a bill that gives that much power to one person. Henry VIII would have been happy to have that much power. It is incredible the kind of legislation that we are asked to pass in the latter part of

the 20th century; it is incredible that the Treasurer is asking for that authority without reference even to his colleagues.

I suggest that is just not fair. I would like from the Treasurer a statement about what are the criteria, how he is going to arrive at them and whether he plans to change them from time to time during the course and period of this legislation.

**Mr. T. P. Reid:** Mr. Chairman, the minister and I had a brief conversation about this some time ago and I was somewhat shocked to learn that his only criterion was the five per cent at the moment. However, section 4 gives him fairly wide powers to deal with this and I would like to see a commitment, at the very least, for the Treasurer to provide the criteria to the House and perhaps an opportunity for discussion before it is gazetted.

The more I look at this bill the more I am beginning to wonder about some of the items in it. Look at subsection 4(2), "The board shall, through such methods as are considered appropriate, increase awareness of the effects of changes referred to in subsection 1."

There are so many of these very vague, open-ended matters in this bill that I am beginning to wonder just how vague the minister was trying, in reality, to make the bill. It is vague enough as it is, but surely some of these matters can be tightened up by his legislative draftsmen and his advisers.

What the devil does subsection 4(2) mean anyway? Could we please have a commitment from the minister that any changes in the criteria will be announced in this House and some opportunity will be provided, through means other than the question period, to question the minister on this.

**Hon. Mr. Grossman:** Mr. Chairman, I am here almost every day during question period so the member can ask me at that time.

**Mr. T. P. Reid:** I notice you didn't say you would answer the questions we ask and I commend you on that.

**Hon. Mr. Grossman:** I would say to the member for Port Arthur that subsection 4(3) makes it quite clear that all the criteria shall be published in the Ontario Gazette. We do not need an undertaking. It will be included in this legislation, if it is passed.

I would remind members this is simply determining the conformity with the criteria which they then report to me, and therefore discuss with the public, in terms of the appropriateness

of what flows from that. I would remind members of the House that no legislative action, no power, flows to me. The Treasurer cannot take any unilateral action that affects anyone's income, anyone's compensation as a result of this, without coming back to the House. This is simply—

**Mr. Martel:** Whatever it might be.

**Hon. Mr. Grossman:** Read the subsection. Subsection 4(1) simply says, "The board shall assess changes in compensation in the public sector to determine their conformity with such criteria as the Treasurer determines and report on its findings to the Treasurer from time to time." This says I set out a figure. The simply says, "The board shall assess changes in compensation in the public sector to determine their conformity with such criteria as the Treasurer determines and report on its findings to the Treasurer from time to time." This says I set out a figure. The board reports to me from time to time as to whether that figure is generally being followed and adhered to.

**Mr. T. P. Reid:** There will be no change in the five per cent or any other criteria?

**Hon. Mr. Grossman:** I do not see that at all, but even if that were the case it would be gazetted. All it means is the board would report to me that those new criteria are or are not being followed. That is all that happens. It may recommend to the Treasurer that further appropriate measures be taken, but any of the further measures the Treasurer might wish to take have to come to this House.

If the member will read subsection 4(1) carefully, there is nothing in it that says the Treasurer may take such further actions as might be appropriate. It does not empower me to do that. It simply says they may recommend to me what action should be taken. That would mean in terms of affecting anyone's income but I would have to come here with the legislative amendments to do so.

**Mr. T. P. Reid:** Would the minister indicate why he even needs this whole section in here? Under what circumstances does he envisage there will be such changes that this makes sense to anybody under any circumstances? As the minister says, it does not give him the power to roll back increases, increase increases or to do anything. What is the purpose of the whole matter in any case?

Second, having said that, we—I believe the House as a whole—have been operating under the assumption that the criterion is five per cent as already gazetted. If the minister is going to



change that criterion in any dramatic way, to make it seven per cent or two per cent or whatever, then that changes the whole principle of the bill in my mind and I am sure those of my colleagues. Because of the other provisions of the bill relating to arbitration and everything else, it changes the whole tenor and principle of the bill.

I am going to move, and I will do it right now, that section 4 not be reported as part of the bill.

**Mr. Chairman:** With due respect, I would have to suggest to the member that is not in order. The member can vote against a section but the motion is not in order.

**Mr. T. P. Reid:** It is my understanding of the standing orders that in committee the bill has to be reported back to the House. Can we not move that a section be deleted in the report?

**Mr. Chairman:** I would not think so. The member can vote against that section and vote against the whole bill going back but not to a section by itself. Similarly, one cannot withdraw a whole clause. One cannot vote that. One can vote an amendment to it.

5:10 p.m.

**Mr. Foulds:** Mr. Chairman, I just want to say that if the motion had been in order this party would certainly have supported it. There are two things. I want to choose my words carefully, but the Treasurer is being less than frank when he says he must come back to the Legislature for any changes. First of all, he can, as he has admitted, gazette whatever criteria he determines from time to time. That does not take away from the arbitrariness of the power given to himself.

I would like the Treasurer to pay attention to me and have his officials pay attention to me while I am making the subsequent argument rather than having their little conference right now.

If that is taken into consideration with subsection 11(1), the section that deals with the power of the cabinet to make regulations, particularly subclauses 11(1)(a) and 11(1)(b), which can add anything to the schedule that is attached to the bill or can terminate in whole or in part the application of this act to a group, enormous power is given to the Lieutenant Governor in Council in section 11. So the Treasurer is being less than frank when he says he has to come back to the Legislature.

I admit, and I will be speaking on this when we get to section 11, that this government is fond of giving itself enormous powers under

sections like section 11, which says the Lieutenant Governor in Council may make regulations. What they are doing is making regulations that basically can abrogate this bill. That is fine, except that he does not have to come back to the House to do it. He should at least be straightforward and honest about the fact that the power given to him in section 4, coupled with the power given to the Lieutenant Governor in Council—i.e. the cabinet, i.e. the Treasurer recommending to cabinet—gives him enormous power without coming to the Legislature. That is why as a legislator I argued and voted against subsection 3(4) and it is one of the reasons I will vote against section 4.

**Mr. Mancini:** Mr. Chairman, this matter was dealt with somewhat in the committee and it appeared at that time that the minister was sensitive on this particular point and felt—at least, I thought he felt—that the idea of having changes debated in the Legislature might merit his concern or maybe his looking at the section again. I guess we have not heard from him sufficiently today to feel whether he has reviewed the matter or whether he shares the same concern he shared the other day in the committee.

**Hon. Mr. Grossman:** Mr. Chairman, I disagree with the member for Port Arthur, of course. There is no power in subsection 4(1) to affect anyone's income, earnings or compensation plan. The important thing to remember here is that, while I may as Treasurer publish the criteria in the Gazette, those are criteria for setting out a guideline, but the transfer payments will have been made by that time. They will be based on the five per cent figure. Those moneys will be out there and available to all the transferees to pay the settlements. Therefore, to suggest that I can come back to the House and make any kinds of changes with regard to affecting people's income, of course—

**Mr. T. P. Reid:** Why do you need it? Can you tell us why?

**Hon. Mr. Grossman:** Yes. The member for Rainy River asks why we need it. The reason we put this section in is to have some clear message out there that these things are going to be monitored and reviewed by the board, that the board would be there to assess all these changes and report on them to the government so that the government could know whether in fact there was compliance with the five per cent guideline.

I think if we had to make judgements with regard to the need for a different program,

stronger program as I have referred to, we should not be doing that by reference to a newspaper story with regard to the latest public sector settlement. We believe those things should be filed with the board and the board should have a clear obligation to report those to the Treasurer and to give advice to the Treasurer, as it says in the legislation, on the pattern of compensation increases.

**Mr. T. P. Reid:** The minister foresees no changes?

**Hon. Mr. Grossman:** No, I do not. As the member will see from my prebudget statement which we hope to have shortly, there are no major changes expected by us. There are no trends out there which indicate that a move away from the five per cent would be necessary.

Subsection 2 is appropriate feeding subsection 1 because we think that not only should the government be aware of some of these things but the public, too, should know the implications. That is why the whole section is in there.

**Mr. Chairman:** Are the members ready?

**Mr. McClellan:** No, Mr. Chairman. I am still confused about the criteria the Treasurer will be setting. When I read it originally I had not anticipated that the criteria would be defined so narrowly as to mean simply the same thing as current government fiscal policy; that is to say, five per cent.

Having followed the discussion this afternoon, and admittedly I was not in committee, do I take it that the only criteria the Treasurer intends to determine and gazette has to do with percentage figures, presumably the five per cent, or will other criteria be contemplated, such as the need to redress historic injustices between workers in certain obvious sectors?

Is that contemplated as part of the criteria, the kind of catch-up that justice demands take place for certain workers, usually in the human services professions, who have not had the opportunity to bargain from strength at the bargaining table and who have fallen behind relative to other workers in our community? In a nutshell, are the criteria going to be limited to a percentage formula or will other factors be folded into it?

**Hon. Mr. Grossman:** For purposes of section 4, five per cent is it.

**Mr. McClellan:** That's it?

**Hon. Mr. Grossman:** That's it.

**Mr. Rae:** Mr. Chairman, I would like to ask the minister whether he can tell us something

about the membership of the board. Is it the intention of the government to change the membership of the current board in any way, or are we going to see the old inflation board membership continue through next year?

**Hon. Mr. Grossman:** Mr. Chairman, we have not finally determined that but I might say, so that I do not mislead the member in any way, we believe they have done a pretty good job. At the present time we would be soliciting their advice as to whether they would be willing to serve longer. We will then make a final decision shortly.

**Mr. Rae:** Can the minister tell us what kind of staffing arrangements are being made in terms of the size of the personnel now working for the board and what staff he intends to be hired by the board? Has he that information?

**Hon. Mr. Grossman:** The number varies depending on the number of contracts that are being analysed from time to time. I believe the current number is about 27. Sorry; that is the maximum number we have had but I think we are close to the maximum now.

**Mr. Rae:** Does that include clerical staff?

**Hon. Mr. Grossman:** Yes, that is everyone.

**Mr. Martel:** Winter works projects.

**Hon. Mr. Grossman:** More jobs in the public sector.

**Mr. McClellan:** All of the jobs in the public sector.

**Mr. Martel:** Inspectors.

**Mr. Rae:** Exactly; those are the only ones the minister is creating, apart from the inspectors who were hired yesterday.

5:20 p.m.

I would like to ask the minister if he can perhaps take this opportunity to clear up the real and continued mystery with respect to what is transpiring with respect to the Sensenbrenner workers. The minister will also be aware of instances which have been raised by my colleagues with respect to procedural problems with the Van Daele Manor Nursing Home decision, where the board was totally unaware and remained unaware of the facts of the situation. I would like to ask the minister whether he is satisfied that the procedures which have been followed in these two cases really do give protection to employees and whether employees are going to continue to be served in the manner they have been served in the past by the Inflation Restraint Board.

In case the minister does not know it, from

amongst a great many people in the trade union field who have had to deal with administrative boards of all kinds, both federal and provincial, I cannot think of one which has received a worse assessment in its sensitivity and understanding of labour relations problems and the realities of the world at work than the Inflation Restraint Board which has been established by this government.

**Hon. Mr. Grossman:** I do not happen to share that view. I understand it may be the member's view and that of the labour representatives that have spoken to him. I respect that but I do not happen to share it. In the Sensenbrenner circumstance, they did allow the first portion of that award, where otherwise it might not have been allowed and could well have been said to have been caught by Bill 179. The Inflation Restraint Board did not include the first portion of that award.

With regard to the Sensenbrenner situation, the preferred route is to have it sorted out by the parties. The parties had one meeting a week or so ago and will have another meeting this week. Given all the circumstances, that would remain the appropriate thing to do. If it does not work out, we will have to contemplate it further. All the parties are back talking and trying to sort out what is appropriate. That is the proper thing to do in the circumstances.

**Mr. Rae:** Can the minister confirm that the board is going to be making a final decision with respect to the Sensenbrenner matter on Thursday?

**Hon. Mr. Grossman:** No, I cannot.

**Mr. Rae:** Can the minister tell us if it is his understanding that the board is going to render a decision or recommendation to the government in this matter? Is that his understanding of how it is ultimately going to be resolved?

**Hon. Mr. Grossman:** The board does agree with us that it should meet with the parties and see if they can work out an arrangement which satisfies everyone. We have not put a date on it or required that they report to us at a particular time in order to meet any deadline we have arbitrarily set. The discussions are going decently to date and they should continue.

**Mr. Rae:** Let us get back to this. Let us talk dollars and cents. If the minister is talking about an arrangement which is worked out on a contractual basis between the employees and the Sensenbrenner Hospital, he is talking about an arrangement that is going to be taken out of next year's collective bargaining. He has to be talking about something which is going to be

assessed against future bargaining. The only way in which it could deal with a situation in the past is if the Inflation Restraint Board were going to make some kind of a recommendation to cabinet under section 17 of Bill 179. The minister knows that perfectly well.

I am asking the minister, is this going to be money that will come out of future settlements or is it money which is going to be awarded in an exceptional way and recognized by the Lieutenant Governor in Council as an exception under section 17?

**Hon. Mr. Grossman:** I cannot tell the member what the Inflation Restraint Board is going to recommend to me. I do not know.

**Mr. Rae:** Don't tell me they are independent of the government?

**Hon. Mr. Grossman:** They certainly are.

**Mr. Rae:** Don't tell me that.

**Mr. Foulds:** I would like to ask a question of the Treasurer along the lines my colleague the member for York South has raised. I am talking specifically about Pinewood Court, the nurses and administration there, who submitted a plan. I believe, some six weeks ago to the Inflation Restraint Board and the board has not replied. Does that mean the Inflation Restraint Board agrees with the plan put forward and proposed by the administrator and the union in that case?

**Hon. Mr. Grossman:** No.

**Mr. Foulds:** Has the minister received a copy of the letter I received yesterday from the nurses' association with regard to the Pinewood Court situation? Does he plan to take any action on that particular matter?

**Hon. Mr. Grossman:** I have not got the letter.

**Mr. Foulds:** The minister did not receive the letter?

**Hon. Mr. Grossman:** I have not seen the letter.

**Mr. Foulds:** Does the minister feel any responsibility to intervene in the situations, as he initially indicated in this House he was going to with regard to the Sensenbrenner General Hospital workers, the Van Daele hospital workers and the workers at Pinewood Court? He clearly has the authority to do that in Bill 179 because although there is no appeal board on Bill 179 there is a clause similar to section 11 of this bill that is, section 25 of Bill 179.

**The Deputy Chairman:** Perhaps the member could deal with that—

**Mr. Foulds:** Just a minute, Mr. Chairman.



have asked the Treasurer a question arising out of the procedures of the board which has to do with the section we are discussing. The board is continuing. I am calling to the Treasurer's attention the procedures of the board which have existed in the past. I am asking the Treasurer, which is perfectly legitimate, if he is going to avail himself of the legislative authority he has in Bill 179—and that he will have under Bill 111—to intervene in the situation with the Pinewood Court, Van Daele and Sensenbrenner hospital workers. I want to get the answer to that question on the record because I have another question with regard to the present bill.

**Hon. Mr. Grossman:** Let me be clear in terms of whether this is in order. The member does not know, because the government has not decided, whether the same members of the board are going to be in place.

Second, this board has totally different functions and very few powers. It has nothing whatever like the powers the member is now complaining of in Bill 179. Therefore, it is an extremely long leap to suggest that all these questions flow out of what a previous board did, under previous legislation and with previous powers, regarding a decision handed down last year concerning last year's decisions.

All those questions coming under a new board and a new act seem to be fairly extraordinary reaches in terms of legislation. These are cases that have not yet been heard concerning a board with no power to roll back this year.

The simple answer is that I do not have that letter. I am not going to comment on a letter I have not read.

**Mr. Rae:** Lest there be any doubt, the minister cannot have it both ways. In this act, the word "board" means the Inflation Restraint Board constituted under the Inflation Restraint Act of 1982. So we are entitled—and this is the first opportunity we have had—to ask the minister questions with respect to the conduct of the Inflation Restraint Board.

The minister has just said—and the act specifically says—that the Inflation Restraint Board is the same board as the one expressed and created under the Inflation Restraint Act. The fact that the names of the individuals who are responsible for the board may change is utterly irrelevant. It is the same corporate body we are dealing with.

I cannot believe the minister seriously expects us not to be addressing questions to him with respect to the conduct of that same corporate board since it was created as a creature of the

Inflation Restraint Act of 1982. The minister cannot get away with that kind of line.

**5:30 p.m.**

The minister cannot get away with it for another reason. On repeated occasions in this House, when we have raised the question of Sensenbrenner, Pinewood Court, Van Daele and Pine Grove—and the minister can hardly say he is unaware of these because we have made a case about them—he has made a point of saying how the Inflation Restraint Board is going to deal with all these problems and handle them.

That is the answer the minister gave us when the cameras were rolling at two o'clock. Now we are here asking for detailed answers to questions and I think we are entitled to them. My colleague is entitled to answers to the questions with respect to Pinewood Court and we are entitled to answers to these questions with respect to exactly what the board is doing. The minister is responsible for speaking for the board to this House and we are asking him questions and we want some answers.

The minister cannot expect us not to address questions which arise out of the way in which the board behaved in those matters, because it was not entirely a question of the legislation, though that had a great deal to do with it. It was also, in good measure, a question of the discretionary decisions taken by the board. We want to know if these are the same kinds of people we are going to be dealing with in the next piece of legislation. We want to know about it and it will reflect our view as to this legislation in general.

**Hon. Mr. Grossman:** With respect, the member for York South is mistaken when he suggests this is the first opportunity he has had to discuss the Inflation Restraint Board.

The first opportunity was in clause 1(b), to which he himself has referred, which indicates the Inflation Restraint Board is the board constituted under the Inflation Restraint Act of 1982. If the member thought we should not proceed in that way, an appropriate course of action which he might have followed would have been to amend clause 1(b) to suggest that it should not be that kind of board.

Further, I have indicated that no final decisions have been taken with regard to the composition of the board this coming year, although I have indicated some confidence in the members of that board. With respect, clause 1(b) was the place to discuss the board and how it has behaved in the past year. One may disagree with

how it behaved, but that was the place to raise it, not under section 4. In any event, I have indicated our position, notwithstanding the fact we have debated it, with respect, under the wrong section of the bill.

**Mr. Foulds:** Mr. Chairman, I do not think I have had an answer. Do I have the minister's answer on the record? Is he not going to intervene in any of those cases? Is he not going to avail himself of the powers under clause 25(1)(b) of the Inflation Restraint Act? Is he not going to intervene under that section? Is he not going to intervene, as he is allowed to, as a member of the executive council of the Lieutenant Governor in Council, under clause 25(1)(b), which could terminate, in whole or in part, the application of Bill 179 in respect of a compensation plan or plans?

**Hon. Mr. Grossman:** I did not say I would not intervene.

**Mr. Foulds:** Is he going to intervene under that section?

**Hon. Mr. Grossman:** I have not decided because not all the cases have been finally reviewed by the board, let alone referred or reported back to me.

**Mr. Rae:** In some instances, the minister has known about the cases for well over a month; in some instances, he has known for six weeks; and in the case of Van Daele Manor Nursing Home, he has known for nearly two months because it was raised by my colleague the member for Algoma.

I would like to ask the minister when is the Inflation Restraint Board going to be making decisions in these matters and when is he going to exercise whatever powers of review he has under Bill 179?

**Hon. Mr. Grossman:** When the Inflation Restraint Board is able to give us a good sense of the kind of cases, the implications behind those cases, and when we are able to get a better handle on the entire scope of the concerns involved there.

**Mr. Rae:** Has the minister been in touch with the chairman of the Inflation Restraint Board with respect to the particular questions posed in this House on these issues?

**Hon. Mr. Grossman:** I have discussed the general problem with him.

**Mr. Rae:** Why has he not discussed any timing with respect to the answer? Does he not understand that these workers might appreciate getting a response? Some of them are in financial

difficulty themselves. Does he not think they are entitled to an answer from the government on this matter as they face the Christmas and holiday period?

**Hon. Mr. Grossman:** If the member is talking about the Sensenbrenner workers, they are not in that circumstance.

**Mr. Rae:** The minister knows I am not referring only to the Sensenbrenner workers. I am referring to the specific examples we have raised where there has been a rollback or an equivalent to a rollback and where the Inflation Restraint Board has had a role in taking money out of people's pockets. He knows that.

I am asking him if he is prepared to intervene with the Inflation Restraint Board and get an answer to some of these questions. If he does not, he is going to be around here for quite some time.

**Hon. Mr. Grossman:** In fairness to all those people who might want to have their cases reviewed by the Inflation Restraint Board, we really have to follow an orderly procedure. We are not going to suggest it is appropriate to deal with one of those cases only without getting a handle on how many people are involved and how many contracts are involved. That is the fair and reasonable way to operate.

**Mr. Charlton:** Does the minister not think he should have had that handle before the bill is passed?

**Hon. Mr. Grossman:** With respect, the audits are continuing and people are reviewing the experience of the past year. In many of the cases, as the member for York South knows, an agreement has been entered into with regard to a repayment, which I presume is not wreaking hardship on the workers since they have agreed to it. There is mostly compliance with Bill 179 and the only orderly and fair way to everyone to proceed in the circumstance is to get a feel for the length of the concern.

To be fair, we had most of the 680,000 people and most of the 6,000 arrangements complying with Bill 179. Obviously, it is a cause for concern for the government that if we should begin to exempt those who, for one reason or another advertently or inadvertently, went over five per cent, then it wreaks hardship on those who complied with the legislation.

In order to do this in a reasonable way, we want to have the Inflation Restraint Board look at all the circumstances and decide which scenario is fairest not only to those people who are involved in repayments, but also to those



who were totally in compliance with Bill 179 and were held to five per cent.

**Mr. Foulds:** Mr. Chairman, I am afraid that the oil the minister is attempting to pour on the waters is simply not satisfactory.

**Mr. Rae:** It is not oil; it is grease.

**Mr. Foulds:** The minister made a commitment in this House that we understood to indicate he would take a look at a couple of particular situations we raised.

He is now saying to us, as my leader and my colleague the member for York South says, "Now that the cameras are rolling, we must somehow be fair and look at all of the situations and at what effect this will have on all of the groups." That is fine, but how long is that going to take us and how long has the minister known about these particular situations and this particular problem?

Since the minister has not, as he says, either read or yet received the letter dated December 2, 1983, addressed to him from the Ontario Nurses' Association, let me read it into the record so that he is aware of it. I assume that the same chap who drove to my office on a bicycle in a helmet also bicycled to the minister's office to deliver it special delivery.

"Dear Mr. Grossman:

"We wish to bring to your attention the situation facing the registered nurses at the District of Thunder Bay Home for the Aged," that is, Pinewood Court in Thunder Bay, "who are faced with a payback situation as the result of a decision by the Inflation Restraint Board.

**5:40 p.m.**

"The nurses at this home were receiving wage rates well below their peers in other nursing homes, homes for the aged and hospitals. A board of arbitration awarded wage increases which are comparable to the wages of nurses in hospitals and several nursing homes across the province.

"The following table shows the arbitrated wage rates versus the Inflation Restraint Board decision wage rates:

"Old rate: January 1, 1980, to December 31, 1980, \$1,264 a month.

"Arbitration award, new rate: January 1, 1981, \$1,590 a month; April 1, 1981, \$1,650 a month; October 1, 1981, \$1,820 a month; April 1, 1982, \$1,900 a month; October 1, 1982, \$2,014 a month.

"Inflation Restraint Board decision, January 1, 1981, \$1,478.88 a month; January 1, 1982,

\$1,611.98 a month; January 1, 1983, \$1,692.58 a month.

"The arbitrated wage rates still leave the nurses' wages behind those of nurses in hospitals and other nursing homes across the province.

"Specifically, as a result of the Inflation Restraint Board's decision, starting registered nurses employed at Pinewood Court are earning almost \$4,000 less per year than the going rate for other registered nurses throughout the province. The difference is nearly 20 per cent less than the going rate.

"Arbitration award wage rates at October 1, 1982, \$24,168; IRB decision wage rates at January 1, 1983, \$20,311; difference, \$3,857; percentage difference, 19 per cent.

"This case is similar in many respects to the case involving staff at Sensenbrenner Hospital in Kapuskasing. There, the IRB rolled back the wage rates awarded by a board of arbitration and employees were required to pay back the excess amount.

"The decision of the Inflation Restraint Board (attached) required the filing of a plan to recover moneys paid to the registered nurses which exceeded the amount awarded by the IRB in its decision of July 4, 1983.

"The paybacks for individual nurses varied from \$33.96 to \$2,039.83, as shown in the attached payback plan.

"The decision by the IRB involved the roll-back of the wages awarded by the board of arbitration to registered nurses at Pinewood Court. In the November 4, 1983, parliamentary session, Mr. Bob Rae, leader of the New Democratic Party, posed a question about the roll-back situation at Sensenbrenner Hospital (Hansard, November 4, 1983, page 2790), asking what you planned to do for these employees. During the session, you stated that you had asked for a full report from the Inflation Restraint Board on the case involving Sensenbrenner Hospital and indicated that you would study the report to see if anything could be done to correct the situation there. You have since stated that the employees at Sensenbrenner Hospital will not have to pay back any moneys.

"There was further debate on this issue on November 8, 9, 21 and 22 sessions of parliament. On November 8, 1983, Mr. Rae asked what you plan to do for others facing the same situation as the employees at Sensenbrenner Hospital and about other employee groups who had fallen behind as a result of Bill 179.

"The matter of Pinewood Court was specifically raised in the House by Mr. Jim Foulds on



November 9, 1983, when you stated that if Mr. Foulds and Mr. Hennessy would discuss the matter with you, perhaps a remedy could be found for that case.

"In the session on November 21, 1983, Premier Davis was involved in further debate on this same subject. According to debate that day, he was to have discussed the matter with yourself and was to have further information to Mr. Rae by November 22 or November 24, 1983. The same subject was debated further in the House on November 22, 1983.

"The Ontario Nurses' Association is seeking similar consideration for its registered nurses at Pinewood Court as you are giving to the employees at Sensenbrenner Hospital. You have stated the affected employees at Sensenbrenner will not have to pay back any moneys, and it is this same consideration which we are seeking for the registered nurses at Pinewood Court.

"We wish to receive clarification of the government's position on this issue and are especially concerned that the registered nurses' payback plan at Pinewood Court is continuing without direction. We ask you to reconsider the situation facing the nurses at Pinewood Court through the channels open to you and urge speedy consideration in view of the tight time frame for the payback schedule.

"We thank you for your consideration of this matter."

I suggest to the minister that the tight time schedule with regard to payback is very urgent. One of the employees has an amount of \$2,039.83 to be covered, and the plan indicates it is a lump sum in December 1983. There is another employee with \$1,292.04 to be recovered, a lump sum payment in December 1983.

If there is going to be consideration of these employees, surely they deserve an answer and they deserve an answer soon. If there is going to be no intervention by the minister under the powers of Bill 179, I can only say that at the least the minister has given these people very false expectations as they read Hansard and the newspaper reports and watched the television reports of the scrums outside. I would like to know where the minister stands with regard to this matter.

**Hon. Mr. Grossman:** The situation we face is well proved by the member for Port Arthur. It is that if we try to deal with the situation at Sensenbrenner, which is a particularly difficult one where we have made clear we want to help and intend to help in that circumstance, then many other circumstances will come up where

there was an overpayment and people will be looking for the same relief, arguing that they stand on all fours with Sensenbrenner.

After that is done, if we were to agree, without studying those cases, that as a matter of principle all the payments were to be forgotten, then the next thing the member would be doing would be to stand up, and with some justice on his side, to say, "What about all the other workers who used to be at a par with the Pinewood people in other nursing homes but now are not at par because the people at Pinewood got more than five per cent and the people at all the others did not get more than five per cent?"

That would be creating a large degree of inequity and unfairness with respect to a lot more people than is the circumstance with regard to the people who got the overpayment. I understand, and the member well understands too, that this is a whipsaw exercise.

To be fair to the people at Sensenbrenner, the people at Pinewood and all the other people who complied and got only five per cent, obviously we have to look at the whole scenario and find out what the appropriate course of action is.

To suggest that every time one raises a case, then automatically because there was an overpayment we should exempt that case, creates a massive inequity for all those who did not get more than five per cent. I suggest to the member that many of them will now be left behind their colleagues in the nursing homes and other collective agreement areas where they accidentally got more than five per cent.

He should be equally concerned about those people getting equitable treatment by making sure their colleagues are not rewarded for accidentally or not accidentally having got around that or more than Bill 179 would have allowed. That would be inequitable.

**Mr. Foulds:** If the minister wanted equitable treatment, he would not have brought in Bill 179, and he would not have brought in this bill. Talk about equity. What kind of hypocrisy is that? Did he or did he not give false expectations to the workers at Sensenbrenner? Is he going to do something about it, or is he going to weasel out of the commitment he made in the Legislature?

**Hon. Mr. Grossman:** I have answered that question. That outburst is really inappropriate given the fact that in my earlier answer I stated—I stated it in the answer I gave right at the start; go look at Hansard—we have indicated to the Sensenbrenner workers that we are

looking at that circumstance and that we are prepared and are standing behind what we said earlier. It is right on the record.

5:50 p.m.

**Mr. Rae:** Mr. Chairman, the minister has completely misconstrued the situation. When he uses a word like "whipsaw," he is implying that those groups with a particular case to make, such as the Sensenbrenner Hospital workers and the Pinewood Court workers, are somehow whipsawing in an attempt to gain some kind of unfair advantage. That is clearly the message he is leaving and throwing out on the floor of this Legislature.

If he had any understanding of what impact Bill 179 had on collective bargaining and arbitration, he would be eating those words as soon as he uttered them, because they are such absolute baloney and completely misleading in comparison with what has actually happened.

The Treasurer should know better, and if he does not know better, it is a disgrace that he is bringing in this kind of legislation. He should know perfectly well that the problem with Bill 179—the whole disgrace with Bill 179—is that it provided no flexibility whatsoever for those people at the lower end of the scale who were finally being recognized by arbitrators in this province as having fallen behind the standard agreements that were being established in the nursing home field right across Ontario. The Treasurer should know that.

If nothing else, his whole connection with the nursing home industry should tell him that, and his associations with the Ontario Nursing Home Association should tell him that. The fact that he does not know it is nothing short of a disgrace. He knows perfectly well that what the Pinewood Court workers and the Sensenbrenner workers are talking about is a situation where they have systematically fallen behind over the years and where an arbitration board has finally said it was time they were put on a par with other people in the public sector who are doing exactly the same job.

The Treasurer should not come in here and talk about whipsawing. He knows that is complete baloney. It is absolutely false. What we are talking about here is an arrangement by which people who have fallen behind are finally going to be allowed to catch up. Instead, what is happening is that we have the Inflation Restraint Board, which is covered by this legislation and which has absolutely no sensitivity to the industrial relations, the labour relations and the equity of the situation, moving in and saying it is

going to disallow that increase because it is over the five per cent.

The Treasurer should not come in here and talk about five per cent as if five per cent for somebody who is making \$5,000, \$8,000 or \$12,000 a year is the same as five per cent for somebody who is making \$45,000, \$50,000 or \$55,000 at a management level in the public sector, because it is not. The Treasurer has to recognize it.

We have been raising this for more than a month, and I and the members of our caucus are fed up. In November, the Treasurer said he was going to deal with this matter. He said the Inflation Restraint Board was going to be dealing with these questions as a matter of some urgency. He went out and proclaimed to all the world that it would be unlikely people would have to pay it back. He did not deny the story in the Toronto Sun headlined "Wage Rebate Order Stalled." He was quite proud of that arrangement. When it comes time to get to the short strokes on this matter as we approach the end of the session, the Treasurer is not prepared to do the things that he left the expectation he was clearly going to do.

The Treasurer should not come in here talking about whipsawing. He is not going to get away with that kind of language any longer. He should talk to his friend the member for York North (Mr. Hodgson) with respect the workers at the Pine Grove Nursing Home in Woodbridge and how much money they are making. He should talk to them about how much money they are going to be taking home this Christmas thanks to the Treasurer and his lousy Inflation Restraint Board. Then he comes in here and talks about whipsawing. He has a nerve.

He should know perfectly well that what has happened with this legislation is that the previous legislation had no sensitivity whatsoever. The Minister of Labour is here and he knows it. He knows perfectly well that as a result of this legislation, there are nursing home workers who are doing exactly the same job who have fallen behind other workers who were not caught by the five per cent, who were not caught by Bill 179.

What we are suggesting is that when the Treasurer has an application that has been made to the Inflation Restraint Board, and there is an opportunity to address inequities which otherwise are going to be frozen for all time in that legislation, he had better wake up and do something about it.

I say to the Treasurer that if he is not



prepared to deal with these situations on a basis of fairness and equity and look hard at them as the Treasurer of this province, and if he is not prepared to sit down with the Inflation Restraint Board and look seriously at ways to remedy the situation, we are going to be here for a lot longer than he might think.

**Hon. Mr. Grossman:** Mr. Chairman, I want to respond in a moderate way. Let me say first, in so doing, I am not going to entertain any suggestions from that particular member as to what language to use in this assembly. He is not a model for anyone.

If he is as concerned about Bill 179 and its impacts as I and my colleagues are, then he will understand about Bill 111—which is the bill we are debating today; we sometimes forget—that one of the major reasons Bill 111 was introduced was that it does create a circumstance where some of the inequities he is complaining about can be rectified.

The member may stand up and fulminate till he feels better about the evils of Bill 179; but it is partly because of some of the problems inherent when one is obliged to bring in that kind of legislation that we have a quite different bill in here today. There is nothing in Bill 111 that prohibits rectification of the problems the member is addressing. In point of fact, all the arguments he raised, he ought to be raising in support of Bill 111.

If the chair wishes him to continue to discuss Bill 179, so be it. I can only say on Bill 111, the subject for this evening, in discussing the impact—which, to use the member's words, the Treasurer ought to review in fairness and equity—that is exactly what is going on. I think we have to be fair and equitable to everyone who is involved in Bill 179 and not just to those who had a payback and a rollback circumstance come up because of an overpayment. That is exactly what we are doing.

If the member is complaining that the review is not proceeding as quickly as he would have liked it, then I regret that. We cannot have all the cases—which are going to be seen to be standing on all fours—reviewed quickly enough to satisfy the member for York South. They will be reviewed fairly and equitably, to use his own words, but to review each of them in a vacuum would be the most inequitable thing we could do.

When I used the word "whipsaw," which I

would not think for a moment of withdrawing, I was not accusing anyone in the system of whipsawing. I was referring to the fact that the reality of what happens is that one decision leans on the next, which leans on the next. The end of that leaning on the next decision is that we ultimately get to all of those who complied with the legislation who say: "Why not me? You allowed everyone out who did not obey the law. You allowed everyone out who got more than five per cent as provided in Bill 179. As a result of your rewarding people for having accidentally or not accidentally getting more than five per cent and therefore not complying with Bill 179, I"—as a worker in a complying nursing home, for example—"now find myself left behind."

**Mr. Foulds:** That is exactly where you should be.

**Hon. Mr. Grossman:** The member for Port Arthur is making the point that what he is after is everyone coming out of Bill 179 and getting more than Bill 179 provided. That is not the intent of what this government is going to do. The intent of reviewing those overpayment cases under Bill 179 is to treat everyone in the system fairly and equitably. It takes time to review all the cases involved, and the reason time is being taken is to make sure that fairness and equity, which the member wants us to achieve, is achieved.

**Mr. Rae:** Has the minister specifically raised the questions with respect to Pine Grove, Sensenbrenner, the Van Daele Nursing Home and Pinewood Court? Has he raised these particular cases with the Inflation Restraint Board? Are there other cases which he has also raised with the IRB? Are these issues going to be settled by the IRB prior to our leaving this place?

**Hon. Mr. Grossman:** I have asked the Inflation Restraint Board to review all circumstances of overpayment—that includes a number of cases, many of which the member has not referred to—and to review with us the circumstances surrounding them and its recommended course of action. That will take a further period of time, because there are cases that have come to its attention even more recently. In fairness we want to get a full report of that and a chance to reflect on the appropriate steps to take.

The House recessed at 6 p.m.



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# Hansard

## Official Report of Debates

### Legislative Assembly of Ontario

**Third Session, 32nd Parliament**

Tuesday, December 6, 1983

Evening Sitting

Speaker: Honourable John M. Turner

Clerk: Roderick Lewis, QC



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# LEGISLATIVE ASSEMBLY OF ONTARIO

Tuesday, December 6, 1983

The House resumed at 8 p.m.

House in committee of the whole.

## PUBLIC SECTOR PRICES AND COMPENSATION REVIEW ACT

(continued)

Resuming consideration of Bill 111, An Act to provide for the Review of Prices and Compensation in the Public Sector and for an orderly Transition to the Resumption of full Collective Bargaining.

On section 4:

**The Deputy Chairman:** Does any other honourable member wish to speak to this section? Is it the pleasure of the House that section 4 carry?

All those in favour will please say "aye."

All those opposed will please say "nay."

In my opinion the ayes have it.

Motion agreed to.

On section 5:

**The Deputy Chairman:** Mr. T. P. Reid moves that section 5 of the bill be amended by adding thereto the following subsection:

"(3) This part does not apply to a change in the wages provided for in a group compensation plan where the change is required to be made in a restraint period by the regulations pursuant to the Employment Standards Act."

**Mr. T. P. Reid:** Mr. Chairman, basically and simply what this amendment will do is that for anyone receiving a wage increase under any statutory act, such as the Employment Standards Act, the matters related to benefits and others will not be taken in as part of the five per cent under the bill generally.

This is aimed particularly at those people who are receiving the minimum wage. By legislation, there will be an increase as of January 1 and another increase in October which, if I recall correctly, will increase the minimum wage by approximately 14 per cent.

The intent of this amendment is simply that they should not be constrained or restrained otherwise by this bill in other benefits that might be available because it is an act of this Legislature that is requiring that increase in their wages.

**The Deputy Chairman:** Does the Treasurer (Mr. Grossman) wish to respond? Or does anyone wish to speak to this?

**Mr. T. P. Reid:** Perhaps, Mr. Chairman, though we have some concerns with the bill, as we have said, if the minister will look at section 5, subsections 1 and 2, it does not allow us, as I read the bill, to take into account legislative changes.

If the Legislature in its wisdom is saying that we are going to legislate an increase over and above the five per cent guideline or criterion that the Treasurer in this case is providing under Bill 111, then we think those people should not be penalized.

There are two reasons for that. One is that this amendment generally relates to people who are already receiving the minimum wage and they are obviously the people at the lowest end of the economic and wage scale. If the Legislature on the one hand is saying, "We believe that you should have this as a minimum," we do not feel they should be put in a position where the other benefits that might be negotiated, bargained for or agreed to, should have them knocked down on that percentage of their increase.

For instance, we might be talking about a 14 per cent increase in the minimum wage and the government says: "Under Bill 111, you can have only five per cent. You are not entitled to any benefits of any kind, whether it is to have your Ontario health insurance plan premiums completely or partially paid or your pensions or any other kind of fringe benefit or anything the Treasurer might incorporate under that section." It reads:

"(m) 'terms of employment' means,

"(i) obligations or requirements that are part of the employer-employee relationship and that give rise to any expenditure of funds by the employer, and

"(ii) obligations or requirements for the payment or provision of compensation to persons to whom subsection 3(2) or (3) applies."

All we are trying to say is that these people at the bottom end of the scale who are going to have a legislated increase, particularly under the Employment Standards Act, should not be

penalized in the other part of the benefits package that may or may not be available.

**Hon. Mr. Grossman:** Mr. Chairman, it was and is our belief, as I have heard the reason behind the proposed amendment to subsection 5(3), that those situations are covered under 5(2). However, because I have listened to the argument and want to be sure our understanding is precisely as the member for Rainy River (Mr. T. P. Reid) expressed it, I might request that section 5 be stood down, perhaps until Thursday when we will be back in the House and we could ascertain exactly the circumstances, whether subsection 5(3) in its totality in the application is covered by 5(2). It might be helpful if we stood this portion down.

**Mr. T. P. Reid:** I appreciate the Treasurer's remarks in regard to this. It may be a misunderstanding. We did not read it quite that way, but we certainly agreed to stand it down for consideration at another time and a clarification.

**Mr. Foulds:** Mr. Chairman, as I have been able to follow the arguments of the member for Rainy River, I believe they tie in with the arguments I made on terms of employment, although he applied it specifically to the regulations under the Employment Standards Act. I would suggest that it may be useful to stand the clause down. I would agree to that and have it brought forward after the weighty and informed opinion of not only the Treasurer's lawyers, but also those of the Attorney General's office.

**The Deputy Chairman:** Do we postpone further consideration of this amendment and all of section 5 until Thursday? Agreed.

**Mr. T. P. Reid:** To avoid problems somewhere down the line, I am certainly agreeable to standing down the amendment. We might want to have a general discussion of section 5 at this point. I am not saying there should be, but we do have a time problem and if there are any other questions relevant to section 5 maybe now is the time to discuss them.

**The Deputy Chairman:** We stand down the amendment. Agreed.

On section 6:

**Mr. T. P. Reid:** Mr. Chairman, I have a number of amendments in regard to section 6, but I must preface my comments with some discussion on how they relate to the rest of the bill, particularly sections 8, 9, and 10.

**8:10 p.m.**

Before putting an amendment to section 6, I would like to explain the rationale behind it.

There have been a number of problems, questions and criticisms raised in terms of the arbitration provisions under the bill, particularly sections 8, 9 and 10. I was of the opinion that the matters contained in the bill in terms of the fiscal policy of the government and particularly the ability of the employer to pay were matters that any rational and reasonable person would have considered to be part of the arbitration situation as it has existed in this province.

However, my colleagues and I were taken by the arguments put over a period of time in the social development committee by Lucy Nicholson of the Ontario Public Service Employees Union and others who seemed to focus on the arbitration procedures as their largest problem with the bill. It is not their only problem, but it is their greatest criticism.

I was taken with the fact that arbitration is based simply on the situation that the Legislature, in its wisdom, has decreed that certain elements of our society or certain services in our society are essential and those people will not have the right to strike. We therefore devised, if that is the correct word, a system of arbitration to ensure that something was provided in place of the right that had been taken away by the Legislature to balance the books, so to speak, or to give them an opportunity to have some other way of arriving at what might be considered a fair and reasonable wage.

The essence of the arbitration system as I understand it, as the tradition has been and as was pointed out during those hearings, was the issue of comparability. That was one of the major characteristics of the whole arbitration system.

When we considered the bill in its entirety and certain aspects of the bill, particularly as they related to arbitration, it seemed to me and to my caucus that this bill was trying to change a long-established tradition, a long-established way of doing business in terms of arbitration and the essential services. If people were not satisfied with the arbitration as it is today, this bill was not the way to deal with that problem. As stated earlier today in our caucus, if there were problems with the present arbitration system, we felt bringing it in the back door under Bill 111 was not the way to deal with these problems or situations.

On this bill, it was left to me to say on behalf of my party that if the Treasurer and the government of the day feel the arbitration system is not working the way they would like it to work, they should do what they usually do. They should



have a study done, with all those people who are directly or indirectly affected having an opportunity to put their case. The arbitration system should not be fiddled around with in this respect under Bill 111.

Therefore, we will vote against sections 8, 9 and 10. I cannot move to have them deleted but we intend to vote against those sections, removing those matters dealing with the fiscal policy of the government and the effect on the employer, because that has not been the tradition. That has not been the way arbitration has been handled in the past. Therefore, the amendments I am going to move on section 6 will be complementary to that aspect in the hope that sections 8, 9 and 10 will be removed from the bill.

**The Deputy Chairman:** Mr. T. P. Reid moves that subsection 6(2) be struck out and the following substituted therefor:

"(2) The documents and information required to be filed under subsection 1 shall in all cases include the estimated costs or savings attributable to such changes."

**Mr. T. P. Reid:** Mr. Chairman, I do not think I have to give a lengthy explanation on any of these. As I say, they are complementary to the hope that the Treasurer will see the wisdom of this and agree that sections 8, 9 and 10 be removed.

I would like to move two more amendments to section 6.

**The Deputy Chairman:** One amendment at a time and we will deal with it.

**Mr. Foulds:** Mr. Chairman, let me just say a few general things because we are getting into the section that begins to deal with arbitration and the subsequent clauses.

First, I take one small issue with the member for Rainy River. This bill is not trying to attack the traditional process of arbitration by the back door. It is a frontal attack on the arbitration process. Certainly our party will be voting against sections 8, 9 and 10, as suggested by the Liberal Party. We will be moving some amendments to those, assuming the government juggernaut, the Liberal Party having voted for the bill on first and second readings, will push through what amendments it wants and not the ones we want.

However, I do not quite understand and I would like the mover to explain in a little more detail the purpose of the amendment. I know it simplifies section 6 of the bill. If I understand it correctly, and perhaps the mover can correct

me, this clause would then apply only to those compensation plans that are arrived at through collective agreements or arbitration?

**Mr. T. P. Reid:** Through arbitration.

**Mr. Foulds:** This section would then apply only to those agreements that are arrived at through arbitration. One would not have the same information required for those agreements that are arrived at through some form of collective bargaining. Is that correct?

**Mr. T. P. Reid:** These are consequential amendments to sections 8, 9 and 10 being removed and those matters are the ones that deal specifically with the arbitration procedure. We are talking about the arbitration consequences.

**Hon. Mr. Grossman:** Mr. Chairman, this change is consistent and feeds the changes the member for Rainy River wishes to make to take out the arbitration clauses. Perhaps we will discuss arbitration in more depth when we get there.

I simply remind the honourable member that we think that any long-lasting and permanent change in the arbitration procedures should only be the result of a lengthy and careful study. That is why the Minister of Labour (Mr. Ramsay) will be overseeing a review of this with labour and management in the public sector. As announced in my statement of November 8, that is our intention.

**8:20 p.m.**

In the meantime, we think it is appropriate, as I think one of the witnesses pointed out at the committee stage, that the arbitration process at least consider the ability to pay and the existence of the current fiscal economic circumstances of the government during this restraint period.

This sort of clause, "the ability to pay," as applied to arbitration may not survive Bill 111 and may never be legislated in a permanent sense in our labour legislation. None the less, when so many people in the public sector are required by this legislation in one way or another to be subject to this legislation and the current provincial fiscal economic circumstances and policies of this government, I think it is important that the arbitration process not be totally removed from that and that it should at least be asked to consider those circumstances in the course of the arbitrators' decisions.

We think that is appropriate. I regret the Liberal Party has changed its position from the start here, but I hope it will consider it carefully

in light of the fact that it is not a permanent feature introduced into our labour legislation.

Second, to suggest that the arbitration process should not consider the circumstances we are operating under is, I think, a rather large step and one that should only be accepted with a lot of caution and thought. We have rejected going that route.

**Mr. T. P. Reid:** Of course, I appreciate the Treasurer's position. However, I note in the briefing book on the bill at the bottom of page 4 the Treasurer states, "In the meantime, it is important that this year's restraint program be reflected in arbitration." That, to me, states fairly clearly that it is more than just a suggestion that the arbitrators take into consideration the fiscal stance of the government and the ability to pay.

The message I got through the hearings in the standing committee on social development—I was not there for all of them, but I tried to read most of the ones I was not there for—was that the Treasurer was striking at the fundamental basis of one of the fundamental labour situations in the province, i.e., that arbitration is there to compensate people or to provide a venue for those people who have lost the right to strike by fiat of this Legislature, that we are providing arbitration to give them a reasonable chance to reach a favourable wage based primarily on the matter of comparability.

The other thing that came through to me, in listening to the briefs that were presented and looking at the ones I read, was that this whole process is to a large extent based on some kind of mutual trust and feeling of confidence that these arbitrators are neutral and are going to come up with awards based on their knowledge of the industry and the employment strategy of the industry with which they are dealing, the traditions that have existed and, again, comparability with others.

We had chapter and verse about how comparability is the touchstone of that. I say to the Treasurer we are concerned. We know about the study that is going to go on, but some of these things sometimes have a habit of being only for the short term and winding up for the long term. Our concern is that this bill should not deal with those matters in the way it does. I think the trust and confidence those people who have the right to strike taken away from them could have in some kind of arbitration situation are going to be lost if we proceed with arbitration under sections 8, 9 and 10 of this bill. If that is so, we could be running into some very serious

problems with illegal strikes, illegal walkouts and all that sort of thing.

I repeat, we feel the element of trust may be seriously eroded. In fact, according to the briefs we heard, it is seriously eroded as far as the labour movement is concerned. We do not feel it is absolutely essential or necessary to this bill. We hope it will be removed.

**Mr. Foulds:** There are three points I would like to make with regard to this matter. First, I cannot understand the argument the Treasurer is making. He says it is okay to interrupt, attack, demote, curtail and contain the arbitration process. He says he believes in the arbitration process. However, it is okay to have this frontal attack on the arbitration process as long as it is for the short term.

Does the minister know what he is saying? It is like saying it is okay to beat your wife if you do it for only one year. As long as you do not do it for the 40 years you are married, it is okay. This is what he is saying. First, I do not understand the Treasurer's principle that it is okay to do something wrong as long as it is only for the short term.

Second, as I heard the briefs before the committee on social development—and I sat listening to every single one of them—one of the arguments put forward by the vast majority of groups representing public and private sector workers in this province was that the government had made a frontal attack on collective bargaining. This year the government is calling it a transitional attack on collective bargaining, but it is still an attack on collective bargaining and they do not like it.

By and large, full and free collective bargaining is being granted to people in this province. As an alternative, a number of groups by legislative means such as the Crown Employees Collective Bargaining Act or voluntarily in the case of the firemen or compulsorily in the case of policemen through the Police Act are subject to arbitration. Arbitration is offered to them as an alternative because they do not have full and free collective bargaining. This bill makes an attack on the independence of the arbitration process. It makes a frontal attack on the independence of the arbitration process.

When they voted for Bill 179, my colleagues on my right were saying it is okay to make a frontal attack on the collective bargaining process; it is okay to make an indirect transitional attack on the collective bargaining process; but it is not okay to make a frontal or transitional attack on the arbitration process.



We in this party say it is absolutely wrong for this bill to make a direct or indirect attack either on the full and free collective bargaining process or on the arbitration process. When we get to the particular sections about arbitration, we will speak about this.

However, Mr. Chairman, I suggest to you, to the members of the Liberal Party and to the members of the Progressive Conservative Party that the vast majority of people affected by this bill said, clearly and loudly, withdraw it. That not being possible because of the pigheadedness of the Tory-Liberal alliance, we will vote to delete every section of this bill we can.

**Mr. Wrye:** Mr. Chairman, I will be brief. I want to draw to the minister's attention—and I drew my concern to his attention yesterday as we wound up our hearings in the committee on social development—that this kind of fundamental change in the arbitration process is being brought in through the back door, as I see it.

**8:30 p.m.**

I want to reiterate this tonight and I want to do so especially in light of the Treasurer's statement back on November 8, in which he indicated the government would be establishing a joint labour-management public sector pay research agency to develop and maintain a reliable data base for public sector bargaining. He announced that there would be some kind of an arbitration study and that the Minister of Labour would be bearing responsibility for that.

I am rather bothered by that statement inasmuch as until this date, December 6, 1983, some one month later, we still do not have that statement from the Minister of Labour. I do not think that in bringing in proposals on a very difficult issue such as this we ought to worsen the process by introducing through this kind of back-door approach something that deserves calm, rational and some long degree of study.

There may be, for the sake of argument, some justification for changing the arbitration process. I would not be so arrogant as to suggest I know all of the answers today. But that is what we are suggesting we do know by putting this arbitration matter in place in this bill for the first time. As I read sections 8, 9 and 10, it may well be that the bill is not as tough as my friends on the left think it is. It may not be as soft as the leader of my party thinks it is. We simply do not know.

It seems to me, however, that changes such as these ought to be done in the cold light of day

and not through some sneaky sidebar kind of introduction in a restraint proposal. This proposal already has a very serious impact on a great number of our public sector workers in Ontario. I do not think we need to add to the burden they have accepted with a great deal of moderation over the last year and three months.

I know I am speaking to issues that may more properly be dealt with in sections 8, 9 and 10 of the bill, but as my colleague the member for Rainy River points out, this is one of the consequential amendments that would flow from that.

I wanted to put that matter on the record and I hope the Treasurer will respond by addressing my concern that we really are, in a sense, more than buying a pig in a poke; we do not know how that arbitration study will proceed. We have not yet heard from the government and I would hope we would hear as this debate continues.

**Hon. Mr. Grossman:** Mr. Chairman, the Minister of Labour will be getting that together in the new year.

**Mr. Martel:** After it has happened.

**Hon. Mr. Grossman:** In terms of what it is supposed to do, I think we need to assess it in the new year after this legislation is passed. One of the things I have said from day one is that it would be very helpful to that study to see how Bill 111 operates, if this section is passed or the bill is passed in this form, so that we will have an opportunity to see how it works.

**Mr. Rae:** Mr. Chairman, the difficulty I have with the minister's whole approach to this issue—and I must say I keep coming back to this question because I think it lies at the very heart of what the government is attempting to do—is that one cannot have a genuine review of anything when the government has already in a sense indicated very clearly exactly what it intends to do and what its attitude is.

One cannot put the whole process into a straitjacket and then say, "Let's see how the wings flap on this one." That is not how the system is going to work. The system has been consistently undermined for the last two years by this government.

This extension of restrictions and of limitations for another year with respect to the ability of arbitrators to make the comparability judgments they are paid to make and that they are asked by the parties to make is an absurd environment in which to ask people to come around together and talk about creating an effective arbitration system in Ontario.



The fact of the matter is—and we have argued this all along the way—the government cannot have it both ways. It cannot take away collective bargaining for literally hundreds of thousands of workers and then turn around and say, “Not only are we going to eliminate collective bargaining, but we are going to eliminate the ability of arbitrators to make independent judgements with respect to what a fair wage would be in the context of what similar workers in the private sector are making and what an overall judgement of fairness in that context would be.”

I am very glad to see the members from the Liberal Party have taken a slight detour on their road to wholehearted support for this legislation, which they no doubt will give it when it comes to being considered at third reading. I am delighted to hear the words spoken by the member for Rainy River and by the member for Windsor-Sandwich (Mr. Wrye).

I cannot resist wondering whether they are supporting what their leader has said. It is his considered judgement that this whole question of having to consider the ability to pay is a nonissue, as he put it in his studied and thoughtful way when he made this intervention in the Legislature here. He said it did not matter what George Adams said or what Mr. Teplitsky said or what any arbitrator who has ever considered the question has ever said. The leader of the Liberal Party said it was his considered view that the whole thing was just a debate about nothing and it really did not matter.

I am delighted there are now members of the Liberal Party who have split from their leader and realize it does matter and it is a question of some importance. We are used to these Liberal splits. I have come to enjoy and revel in them as we watch them every day. That appears to be what has happened in the past.

**Mr. Wrye:** You try so hard to keep off dead centre.

**Mr. Rae:** I can understand the sensitivity of members about this question, but I am glad to see the member for Windsor-Sandwich and the member for Rainy River are finally understanding that what the government is attempting to do has changed the nature of the arbitration process for a year and then saying this is the context in which there are going to be considerations given to the nature of arbitration in the public sector.

That is some invitation to the table extended to the members of the labour movement by the Minister of Labour. They are going to be talking

with the sword of Damocles hanging over them, a sword of Damocles which is in operation thanks to sections 8, 9 and 10 of Bill 111. I will have more to say about sections 8, 9 and 10 when we get to them, but I just want to indicate to the minister that I have not heard anything from him, either from what I have read in the committee and seen in the deliberations of the committee or from anything he has said here today or at any other time, which shows that he even understands what the problem is.

I must say to the minister I am rather surprised because I would have thought that, having studied the question, he would understand the reason there is a very basic concern is that once an arbitrator is asked to consider and put into effect the government's overall fiscal policy and the government's ability to pay, he is taking away utterly from the independence of the entire process. He is saying there is no need for arbitration. He might as well tell the workers of the province, “This is what we are paying you because this is what we can afford.”

If that is the nature of the system, then we have moved into a system which I would suggest to the minister is contrary to every international convention Canada has signed in the international labour field in the last 35 years. It is contrary to the basic principles of freedom of association. The minister is going to get into exactly the same problems we warned the Minister of Industry and Trade (Mr. F. S. Miller) about with respect to the impact of this legislation on workers' rights and on Ontario's and Canada's international obligations.

The government cannot create a system of industrial relations by fiat; it cannot be done. It cannot establish a system of people being ordered about and told exactly how much they are going to make without giving them the right to negotiate anything. The principles of international law and of Canadian law are very clear. If the government is going to take away the right to strike, which the government has done for hundreds of thousands of workers, if it is going to take away collective bargaining, which it has done for hundreds of thousands of workers, it has to replace that by a system of arbitration which has integrity and independence.

To put in a condition that requires an arbitrator to put into effect the policy of the government with respect to ability to pay or fiscal policy, or however it is phrased, is taking away from the independence of that process and is making a mockery of that process. The government, in the view of a great many people, is

going to be facing exactly the same legal problems this year that it faced last year.

8:40 p.m.

**Mr. Wrye:** Mr. Chairman, I have a couple of additional remarks on the response to my earlier queries to the Treasurer and perhaps to elicit an additional response, although he may wish to remain silent this time.

I am struck somewhat by the comments of the leader of the third party, who I guess with his party has undergone some changes himself this year in response to this legislation. At about this time last year, I remember that we, for our part, with a large number of amendments, such as we have this year, were simply waiting patiently for the leader of the third party to hand back the Legislature to all of the legislators so we could place our amendments.

**Mr. Rae:** You were waiting to go home.

**Mr. Wrye:** The leader of the third party suggests we were waiting to go home. The people who got bailed out most last fall, as I remember the debate, were members of the third party, which was near collapse when the government brought their agony to a merciful end.

I am a little surprised at the statements from the Treasurer in regard to the fact that we could be expecting his colleague the Minister of Labour to come forth with some kind of pronouncement—in January, after this place has adjourned, of course—about the kind of study that is going to be undertaken. More important, and I think crucial to this issue, was the statement that the Minister of Labour would come forth with his pronouncement after, presumably, the passage of Bill 111.

I have not been around here as long as the Treasurer or as long as most of my colleagues who are here in the House tonight, but this is really quite unique. We now have a government which says: "We will put in place legislation that has a whole new process, but because we really do not trust the process, we are going to have a study."

I am searching for an explanation as to why we would put in place a process—albeit the Treasurer argues temporarily, but there have been a lot of temporary things; the Income Tax Act was temporary back some 65 years ago—a so-called temporary process, and then take a look at whether we ought not to have waited until the end of the transition period.

I listened carefully to the remarks of my friend the leader of the third party, and I must

say I was struck by one of the remarks he made. We have our political differences in this place and we may vote different ways, but I do not think there are a lot of members in here who have been terribly happy with what has happened and with the general state of the economy that led to the actions that have been taken in the past couple of years.

But in terms of that segment of the public sector that has the right to go to arbitration, to add to that the fact that they had their contracts extended last year and that this year, while they can go to arbitration, they are going to go under an entirely new set of rules, seems to me to be just a mite unfair. It seems to me that it has been a tough couple of years for them as workers and that we are sending them into this new system admitting that we ourselves do not know what the impact is.

Yesterday, the chairman of the Ontario Labour Relations Board came before our committee, and the Treasurer was there. My friend the member for Port Arthur (Mr. Foulds) attempted to get the chairman to testify. I have some sympathy for the kind of information he was trying to elicit. In balance, I suppose I had a little more sympathy for the very real problem it was going to cause the chairman of the board and, consequently, I voted accordingly. However, I do have some sympathy for the problem that the member for Port Arthur sensed he had.

Given those very real concerns, I would ask the Treasurer why we would be putting this matter in place, even on a pilot project basis—if that is what he wishes to call this idea—before we have had any chance to do any study of it whatsoever? Indeed, why should the members of the Legislature vote to put a pilot project in place when the Treasurer's colleague the Minister of Labour has not even seen fit to come before this House and tell us the terms of the study that is going to be undertaken?

**Hon. Mr. Grossman:** Mr. Chairman, last year at this time the Liberal Party was suggesting that one of the problems with Bill 179 was that it was for one year only and that what we needed was a two-year Bill 179 regime.

**Mr. T. P. Reid:** That was for public and private, you will recall.

**Hon. Mr. Grossman:** Exactly.

**Mr. Wrye:** And it had some price controls as well.

**Hon. Mr. Grossman:** The fact is that the Liberals were suggesting last year that the public sector employees and others should be



and should remain under a Bill 179 regime for two years. We decided to have Bill 179 for one year and to have a transitional return—

**Mr. T. P. Reid:** You also had a Supreme Court ruling in there.

**Hon. Mr. Grossman:** I listened while my friend made his remarks. He will get lots of chances tonight.

We decided not to adopt the Liberal position of keeping everyone under Bill 179 for two years and we went to Bill 111, which is a transitional move totally out of public sector wage restraint legislation.

Let us understand what this is. This is not a bill that intends to make a permanent change in labour legislation in this province. Before any of that is done—

**Mr. Martel:** Why are you going to study it then?

**Mr. Foulds:** Before you make a permanent change.

**Mr. Martel:** You are going to study it.

**Hon. Mr. Grossman:** I have got lots of time tonight, guys.

**Mr. Rae:** Do some campaigning.

**Hon. Mr. Grossman:** I did that over dinner time.

Before that is done, before any thought is given to any permanent changes in the Labour Relations Act or any of our other labour laws, there is going to be a joint study with labour, as I indicated in my earlier remarks.

What we are talking about here is whether or not in a transitional move out of restraint, out of a circumstance that the Liberal Party thought just a short time ago should be kept on totally for another year, we should remove the arbitration process totally from considering the restraint mechanism that all people are being asked to consider in their negotiations.

Let us just talk about that for a second. If the members opposite vote against this, they are saying that those who retain the right to strike should acknowledge, think about, consider in their negotiations—because they do negotiate—the restraint program, the transfers, the existing provincial fiscal and economic policy. They are saying, though, in voting to delete these sections, that in this transitional period, in this one year, as we come out of and reject the tougher restraint program that the Liberal Party wanted, the arbitration process should not take those factors into account at all. That is what they are saying.

Our point of departure is very simple. During this transitional year the arbitration process should not be totally bound by those considerations but that, like the negotiations that will occur outside of our binding arbitration, they should consider the existing circumstances in reaching their decisions.

With respect, this is a transitional piece of legislation. Let me be clear, this clause would be in this bill whether or not the Minister of Labour was considering having this joint review, because this clause is in this bill as part of a transitional piece of legislation.

**8:50 p.m.**

The question we really must ask ourselves is, given the fact that we made a significant change this year and given the fact that the government is not ready to consider any far-reaching changes such as this to its labour legislation in total, should we therefore say that the arbitration process during this year should not consider what is happening in the rest of the public and private sectors or even the fiscal and economic policies of this government?

Viewed in that light, it is a fairly large leap, particularly for the opposition—I know many members in the opposition will agree with my statement—a particularly far leap—

**Mr. Foulds:** The Liberal opposition.

**Hon. Mr. Grossman:** Yes, the Liberal opposition.

It is a far leap from saying Bill 179 should be renewed and extended to saying in this transition period we should tell the arbitrators, "Do not consider any of those matters." That is a significant leap to take and one which I urge the Liberal Party to give careful second or third thoughts to.

**Mr. T. P. Reid:** I have only one comment. The Treasurer, as he does very well, sounds reasonable and has stuck the knife in, as he thinks. I want to repeat one thing. Our program was for both private and public, for everybody.

**Mr. Foulds:** For two years.

**Mr. Rae:** Don't brag about it.

**Mr. T. P. Reid:** All right. We believe that everybody should come under it. We also recall the situation at the time when we had 13 per cent interest rates, the highest inflation we have had and all the rest of those things.

I admit we changed our minds on this a little. It may or may not make any difference. Unlike some of my friends across the way, particularly the former Treasurer, I think these public



hearings are important both to give people an opportunity to have an input and to convince people in the Legislature that maybe what they are saying and their point of view are worth considering.

We heard these matters. We studied them. It is interesting that I believe the Treasurer knows less about the arbitration proceedings than I do.

**Hon. Mr. Grossman:** That is impossible.

**Mr. T. P. Reid:** That is not even hyperbole. That is a statement. I was taken with the historic trend and the fact that the touchstone of the arbitration procedures was the comparability business. This whole business is getting too far away from that.

What the Treasurer has said and what the government is going to do are going to be in the back of the minds of the arbitrators as such. It is like being in court and saying to the witness, "Did you quit beating your wife?" and the judge says, "You cannot ask that question." Of course the jury has already heard the question and seen the look on the man's face. The government has almost achieved what it wants to achieve anyway.

The comparability aspect of the arbitration procedures is fundamental. On the matter of essential services and taking away the right to strike, we believe that essential trust and confidence in the arbitration system could be seriously impaired by these provisions, which we do not think are really important to this bill because the government is going to have almost anything it wants without these provisions. They should be removed.

**Mr. Rae:** I wonder whether I could have the minister's comment. Mr. Adams was unwilling to appear despite the fact the reason we wanted him to appear was that he was the arbitrator in a recent decision in the nursing home field, of which I am sure the Treasurer is aware. I am sure his friends in the nursing home industry have talked to him about it many times, perhaps at one of those cheque-signing ceremonies that I understand go on from time to time in the Tory party.

With respect to Central Park Lodge's decision on June 25, 1982, Mr. Adams stated very clearly that to base wages on ability to pay would force employees to subsidize these services for the public and render interest arbitration largely irrelevant.

In addition to that comment from Mr. Adams—which we were not allowed to question him about for reasons that may have been clear to him and members of the Liberal Party but

certainly are not clear to members of our party—the Treasurer has received a letter dated November 28, 1983, from the chairman of the Ontario Police Arbitration Commission. It is written under the letterhead of the Ministry of the Solicitor General, which makes it of more than passing interest.

It starts, "Dear Minister: re Bill 111." I am sure the Treasurer has seen the letter. It says the Ontario Police Arbitration Commission is responsible under the Police Act for the selection of a panel of arbitrators to deal with interest disputes. It goes on to say:

"That being the case, we feel duty-bound to express our apprehension concerning the continued availability and effectiveness of our arbitrators if the proposed legislation is enacted. The Police Act provides for final and binding arbitration as the quid pro quo for the right to strike. Behind that scheme was the notion that municipalities can endure a loss of other services but not the loss of police services"—an argument with which I think just about all members would agree.

Mr. Egan goes on to write: "In order to render the scheme acceptable to all parties, the legislation set up an independent, expeditious system for the selection of arbitrators and the speedy hearing of disputes and the rendering of decisions. The Ontario Police Arbitration Commission has been able to build a panel of independent arbitrators over the years who have fulfilled the purposes of the act."

Mr. Egan, who is the chairman, goes on to say: "Our concern is that these expert and independent arbitrators may cease to be available since the proposed legislation will impinge upon their independence and experience and render their decisions neither final nor binding or, at least, subject to delay in implementation. They will see the quid pro quo, which they have been appointed to provide, virtually taken out of their hands while the right to strike nevertheless continues to be unavailable.

"In summary, we are fearful that the arbitrators selected by the commission will lose their effectiveness through being perceived as emanations of the review board rather than as independent neutrals.

"Yours very truly, Rory F. Egan, chairman, the Ontario Police Arbitration Commission."

Given the fact that a copy of this letter has been sent to the Solicitor General (Mr. G. W. Taylor), who I see is now in the Legislature, and that it was available at the committee—it was tabled as an exhibit by my colleague the mem-

ber for Port Arthur—I would like to ask the Treasurer how he responds to that very strong expression of concern by Mr. Egan.

As I said, it is a letter that was written on the letterhead of the Ministry of the Solicitor General, from the chairman of the Ontario Police Arbitration Commission himself. If it is coming from the Ontario Police Arbitration Commission, we can bet our boots it is coming from every other body that is concerned with arbitration in this province.

We were not allowed or not able to hear from all these people, but I can tell the minister from my own knowledge that the feeling of revulsion against this aspect of the legislation amongst the arbitration community is profound. There is a feeling that it is slipshod, unnecessary and an insult to their independence and that it is going to take away from the integrity of the process. If the Treasurer is not aware of that fact, he should be aware of it. In particular, I would like him to comment on the comments of Mr. Egan from the Ontario Police Arbitration Commission.

**Hon. Mr. Grossman:** All I can do is repeat the remarks I made earlier and add that it is the opinion of some people like Professor Weiler and others—indeed, the leader of the Liberal Party quoted the remarks of Professor Arthurs one day when his party was supporting this section—that ability to pay was always taken into account. These arbitrators have always found a way to consider those things.

9 p.m.

It is by no means unanimous. We heard from two arbitrators at the committee. Professor Weiler, who is an arbitrator at least as well respected and sought after as the others who were there, told us that none of these threats to integrity was real. He told us that arbitration in other jurisdictions was subject to ability to pay all the time, that it was manageable and it did not threaten their independence.

I would hope those arbitrators in the system would reflect upon the variety of views and remember they have not been asked or forced in any way to implement anything. They have been asked to consider those circumstances. They can, and I am sure many will, bring down decisions which do not totally reflect my view of existing and prevalent provincial fiscal policy. So be it.

It is precisely because we understood the need to regain the independence of the arbitrators that all sorts of other options which other jurisdictions have were not put in. There are all

sorts of options. Bill 179 obviously was far more serious and draconian and in fact there were no arbitrations.

What we have here is really quite a different circumstance. The kinds of legislation which really would have done all the things warranting the epithets that have been used across the way would have said such things as, "Arbitrators shall be obliged to live within five per cent; arbitrators shall be restricted to five per cent." All of those things are things which would have warranted the kind of epithets that are being used.

Indeed, critics would be on even stronger ground if we did something such as saying, "Arbitrators shall be required in all circumstances to have as a major criterion, as the determining factor," etc. They did not do any of those things. They said, "Arbitrators should take into account the weighting they have put on it," because of course—

**Mr. Martel:** Don't be silly.

**Hon. Mr. Grossman:** The member can get out his book of insults instead of reading the legislation, Professor Weiler and some of the court decisions that were not included in all the briefs. He could broaden his horizons a bit, get out of his study of epithets and look at some of the broader public sector decisions which do not totally reflect some of those which were read to the committee.

I want to comment a bit further on the letter that has been referred to. At the top of page 2, it says, "Our concern is that these expert and independent arbitrators may cease to be available since the proposed legislation will impinge upon their independence and experience and render their decisions neither final nor binding or at least subject to delay in implementation."

Their decisions are final and binding. The government has no right and no power under this legislation to overrule the arbitrator's decisions. They are final and binding. That should not and cannot be a concern. All that is required is that the administrator file the information with the Inflation Restraint Board. There is no mechanism available to stop the implementation of the arbitrator's award once that information is filed. It is strictly a filing requirement.

There are steps in the legislation which will help to make sure there is no delay. I do not believe they are even necessary because the administrators will not be delaying. Let us be quite clear, in any case their decisions are final and binding. That may not be a concern.



**Mr. Rae:** Mr. Chairman, I want to pursue this correspondence. I must confess I found it somewhat unusual that somebody who is chairman of a police arbitration commission and responsible for the integrity of the arbitration process for police officers throughout this province would take it upon himself to write the Treasurer a letter such as this.

I do not think the Treasurer can get away with just saying, "He is wrong." In reading that sentence at its very fullest I do not think in fact he is technically wrong when he says, "neither final nor binding or at least subject to delay in implementation." Read that whole phrase and you get exactly what Mr. Egan is trying to say and the very clear statement that he is expressing a concern.

This is not somebody from outside; this is somebody who has been appointed by the government of this province as a public servant to hold some responsibility, and he is saying his concern is that "these expert and independent arbitrators may cease to be available since the proposed legislation will impinge upon their independence and experience."

This is the considered judgement of the Ontario Police Arbitration Commission within the Ministry of the Solicitor General after discussions that were held by the commission itself. It was not written at the personal instigation of the chairman; it was written after some discussions had taken place within the police arbitration commission and it reflects a general consensus and not something that is just written off the top of his head.

This kind of letter is not written lightly and the Treasurer knows that. In this province, which politically has so many of the aspects of a closed shop, a senior public servant does not sit down and write the Treasurer of this province a letter that he knows is going to become public knowledge unless it is something that is felt very strongly by the members of the police arbitration commission and unless they have been hearing some very clear things from arbitrators, quite apart from what the committee heard and what we have all heard from people representing literally hundreds of thousands of employees in the public sector.

If the Treasurer looks at the legislation that was passed in Alberta, for example, there is no legislation anywhere that sets up the kind of mock, straw legislation he is suggesting, not even British Columbia. Not even Pat Kinsella in his worst moments could have conceived of or advised Bill Bennett to bring in legislation such

as he is talking about. That kind of crudity is not the stuff of which even Tory and reactionary governments are made.

The Treasurer is fully aware that the word "consider" is the language that has been set out in all the arbitration legislation that is part of the law of this province. When it comes to what other things need to be considered, that is the way it is phrased and those are the things the arbitrator does consider and feels obliged to consider; and if the arbitrator chooses not to consider them he can frequently be challenged, as the Treasurer is well aware. If it appears on the face of the award that an arbitrator has not considered something he should have considered, the Treasurer knows perfectly well that, as a matter of law, that decision of the arbitrator can be reviewed in the courts.

The legislation that was passed in Alberta, which I suppose is the model—the Tory government in Alberta passed Bill 44 on July 15, 1983, which was the beginning of the Alberta government's attack on its own employees—has exactly the same wording, "Compulsory arbitration boards shall consider any fiscal policies that may be declared from time to time in writing by the provincial Treasurer for the purposes of this act."

So in response to what the Treasurer has had to say about the fact that "consider" does not mean what we think it means, if it does not mean anything, why is it there? If he does not need it, if it does not bind and shackle the arbitrator, why is it there at all?

**9:10 p.m.**

Then he would say that the arbitrator has to take into account what is going on in the rest of the public sector, the private sector and so on. That is the comparability test; the Treasurer knows that. The whole basic trend of what arbitrators have been doing in the public sector is assessing the question of comparability. They have been asking, "What are the comparable jobs?" So arbitrators have to take into account what is going on in the private sector and they have to take into account what else is going on in the public sector. Why do they have to do that? Because they have to consider comparability. If they do not consider comparability, their awards have no credibility at all.

The way in which they have conceived their task is not an abstract one in which they impose some abstract notion of justice or abstract notion of what a job is worth. What they are attempting to say is: "Look, we are substituting ourselves for collective bargaining. Therefore,



the test which we have to apply when we substitute ourselves for collective bargaining is the test of comparability."

The only other point I want to make to the Treasurer is this, and I think it has to be said. When he gets up and says this is for only one year, that is what his predecessor said about restraint. He said that bill was going to be for only one year.

I say to the Treasurer that we do not trust his government; we do not trust what he has to say. I do not think there are very many other people who trust what he has to say when he says: "This is for only one year; this is only transitional. It does not mean anything. It is all going to evaporate at the end of the year." He has no credibility on that score. He does not have any credibility with the people who are involved in the arbitration process on that score. If the Treasurer is not aware of this by now, he should be.

**Mr. Wrye:** Mr. Chairman, I want to go back to discuss the way this debate has evolved. I am not as much at ease as my friend the leader of the third party is with the fact that these judgements are black and white. I listened as my friend raised the concerns of the chairman of the arbitration commission. We know the concerns of other arbitrators such as Mr. Teplitsky.

Then I listened to the Treasurer mention the remarks my leader made about the comments of Professors Arthurs and Weiler which we heard yesterday in committee. I had an opportunity to try to re-read the pertinent section and the key phraseology considering the employer's ability to pay in the light of existing provincial fiscal policy.

Although I feel it is a little unfair to do so since I do not know the gentleman's name, I will share this with the Legislature. I happened to be flying home to Windsor early last Wednesday morning for a day in my constituency office and a public meeting that night. It turned out I was flying on the plane with a gentleman who obviously is involved in arbitration. As I said, I do not know his name. He was talking with someone in the seat ahead of him. As he got off the plane, the talk turned to this Bill 111.

His comment was: "I do not know. I do not know what the hell we are supposed to do about considering the employer's ability to pay in the light of existing provincial policy. Do you know what that means? I do not have an idea what that means. I do not know whether we are just to take a look at it and write our report as we have

been, or whether it is tough. I do not really know. How can we write anything?"

This seems to me to be the point. I listened to the Treasurer's reasonable sounding defence a few minutes ago. It sounded like it was sweet reason until one began to examine it for all it is worth. I will go back to the point; we have some such as Professor Weiler who believe it is a very reasonable policy. The chairman of the Ontario Police Arbitration Commission does not; he thinks it is terrible. Mr. Teplitsky thinks it is not too great. Professor Arthurs does not think it is too terrible.

What that leads me to say is that essentially cautious individuals and essentially cautious individuals in terms of legislation—

**Mr. Shymko:** Read the workers' compensation report and you will know about Weiler.

**Mr. Wrye:** We have not seen Professor Weiler around this place for at least four or five months. It would be nice to see him again. It was nice to have him drop in to offer an opinion which was nicely on the side of the government on this issue. I always enjoy hearing Professor Weiler argue his case; I do not think he argued it quite as well as he perhaps argued his case on workers' compensation, but that is another matter.

I say to you, Mr. Chairman, and I say to the Treasurer, we are really moving into uncharted water in a very dangerous way. I do not propose to stand here and say that we should not look at this issue. Very clearly, a lot of groups, including the Association of Municipalities of Ontario, have said we ought to look at this and move firmly in this direction. AMO has said so for some time.

If my friends on the left think members of their party do not agree with that, I would point out that the former mayor of Windsor, Mr. Bert Weeks, who last time I checked was a card-carrying member of the third party, has been most adamant in saying that the employer's ability to pay should be considered.

I am not saying the policy holds no merit, none whatsoever. I am also not saying the policy holds total merit. Rather, I am saying it is time that we sat down and studied the matter and that until we study the matter carefully it is very dangerous for us as legislators to write this into law, even for 10, 11 or 12 months. It is very dangerous for us to start writing into law matters we have not even looked at or have not even begun to look at. The Treasurer has stood in his place tonight and has admitted we do not even know the ground rules for the study.

It seems to me that as legislators we should not blindly buy a pig in a poke. I hope my friends on the Conservative side will consider the fact that their independence as legislators is in a sense at stake, but I doubt they will.

I know what most of the rest of this bill means, but I must tell you, Mr. Chairman, and I must tell my colleagues in the Legislature, that I do not know what this section means. I do not know what the ramifications of this change mean and as a result I think we ought simply to be done with it.

If the government wishes to study the issue and to involve all parties in the study, that is fine with me; that is what we are here to look at. We are here to look at a variety of options, but we simply should not legislate blindly. I hope the member for High Park-Swansea (Mr. Shymko) may want to enter the debate. I am sure he would want to reassert his independence and say he will not stand for a blind pilot project in the arbitration process in this province.

Interjection.

**Mr. Foulds:** Mr. Chairman, I want to make five or six points. First, I think the Treasurer has woefully failed to respond to the questions put to him by the member for York South (Mr. Rae) with regard to the concerns expressed by Mr. Egan, chairman of the Ontario Police Arbitration Commission.

He says very clearly in his letter that the legislation, as he understood it, would have three adverse effects. First, the expert and independent arbitrators may cease to be available. The Treasurer has not addressed that problem. One of the problems we heard in committee time and time again was that the arbitration process is already delayed and if we have fewer and fewer expert arbitrators available, it will be delayed even more.

9:20 p.m.

Second, Mr. Egan says these arbitrators are worried that the proposed legislation "will impinge upon their independence and experience." That concern has not been addressed. I would like the Treasurer seriously to consider the concerns of the chairman of the Ontario Police Arbitration Commission because the concerns of this committee were reinforced by the police officers who appeared before us on behalf of their associations. They certainly gave the very strong impression to the committee that they felt betrayed personally by the Treasurer and they felt betrayed by this legislation. They indicated in the strongest possible way they

would boycott the arbitration process if this legislation passes and that they would challenge the legislation in the courts. I suspect those four concerns by the police associations of this province are concerns the Treasurer should and must address.

Once again, if he fails to address them in this committee in clause-by-clause debate, as he failed to address them in the social development committee, I say the Treasurer abdicates his responsibility. He is pushing through a piece of legislation he knows not the impact of and that as legislators we know not the impact of. He has failed to respond and respond fully, adequately and honestly to the concerns raised by people as concerned as the chairman of the Ontario Police Arbitration Commission. That is the first point I wanted to make. I will rest there and let the Treasurer respond.

**Hon. Mr. Grossman:** First, let me respond to the member for Windsor-Sandwich who is temporarily not with us. I have heard his party waver back and forth. I have a recommendation for the member for Rainy River. His party should vote for arbitration in section 7, against ability to pay in section 8, for it in section 9, and against it in section 10. Perhaps they will have covered all the positions on it, and the members in the second and third row, who probably do not know what happened in caucus this morning, will all be able to write what they want in their newsletters.

**Mr. T. P. Reid:** They were all in caucus and they all agreed.

**Hon. Mr. Grossman:** I understand the system perfectly.

**Mr. Rae:** Oh, they did? I am sorry I wasn't there.

**Hon. Mr. Grossman:** So was the third row.

**Mr. T. P. Reid:** It does not happen very often.

**Hon. Mr. Grossman:** With regard to these concerns and with respect, we have addressed them in committee. I do not expect the member for Port Arthur to accept them, but we have discussed them in committee. Let us understand that not all arbitrators have the view that was expressed either in a letter or by two of the arbitrators who appeared at the committee level. They just do not.

Second, there is experience in other jurisdictions which indicates arbitrators do find ways and do find it possible to consider ability to pay in some sense.

Third, let us understand this whole argument about binding and shackling them. One of the



members said earlier, "Why did you put it in there if it does not mean anything?" or "What does it mean?" It means exactly what it says, that they are required to consider it.

No court is going to—

**Mr. Martel:** Don't they do that in all arbitration?

**Hon. Mr. Grossman:** That is correct. That is the clause the member for Rainy River is voting against.

They are required to consider it. For the purposes of this transition bill in the restraint atmosphere, let us—

**Mr. Martel:** They do not do that now. They make their decisions willy-nilly.

**Hon. Mr. Grossman:** The member for Sudbury East says they do not consider it now. I will refer him to Professor Kenneth Swan, one of the interest arbitrators in the Ontario public sector, fairly well known. The member for Sudbury East should sit down. He might find this interesting. Professor Swan has concluded that the ability of an employer to pay is one of the seven factors upon which, to use his words, "virtually every arbitration decision in Canada is based."

**Mr. Martel:** Then why do you need it? You just made a contradictory statement. You want it both ways.

**Hon. Mr. Grossman:** The member for Sudbury East was the one who was strolling out and saying: "Ah, listen, that is ridiculous. They never consider it." Here is one who has done many of them. He says he always considers it. It is one of the seven fundamental factors, he says. I did not make that up.

**Mr. Martel:** You just want to write that in to make sure it is five per cent.

**Hon. Mr. Grossman:** Let us go on. I will get that for the member for Sudbury East.

**Mr. Rae:** Where and when? Where did he say it? I want to know.

**Hon. Mr. Grossman:** I said I would get it for him.

**Mr. Rae:** I have a submission of 1979 where he says exactly the opposite.

**Hon. Mr. Grossman:** Don't get panicky. I will give the member another one to look at.

**Mr. Rae:** I am not getting panicky. I am just saying I have an example—

**Hon. Mr. Grossman:** Don't get panicky. Blu-blu-blu-blu-shhh.

**Mr. Rae:** On a point of order, Mr. Chairman: The Treasurer can make fun of the fact that I occasionally stutter. Perhaps that may be some-

thing he finds amusing. I do not mind the fact he does that. People have done that to me since I was a kid in school, but I did ask the Treasurer for the source of a particular quotation. The reason I asked for the citation was that I have a clear quote that I have read into the record from Professor Swan in the Kingston hospital award in 1979 where he goes on at some length about the fact it would be inappropriate to take the ability to pay into account.

**Mr. Chairman:** I believe I heard the minister mention he was going to provide that.

**Hon. Mr. Grossman:** Let me begin by saying that, in spite of all the epithets that have been hurled from that side of the floor to me and my party during the course of this discussion, I do not know that I have ever heard the leader of the third party stutter. I do not believe he does. If he has or if other people have said that, it certainly was not my intention. Let us just cleanse the record in terms of that. If he took it in that sense, I withdraw it.

Let me be clear that I did not say I would not provide it. I said in the volume of information I have here tonight, I do not have the particular excerpt from the particular source Professor Swan said that in, but I will get it for him.

I also refer him to Justice Dubin of the Ontario Court of Appeal when he was adjudicating the outstanding matters in the 1975 Metro Toronto school teachers dispute, which the member for Port Arthur will remember very well.

**Mr. Rae:** Appointed by whom?

**Hon. Mr. Grossman:** That does not make him partial. It does not make him not one of the leading people in the field. It does not make him inadequate as an arbitrator. It does not make him unable to understand arbitration to the depth the member professes to understand it. Forgive him for being appointed by us.

Might I say I suspect we would find that Mr. Teplitsky has been appointed by us from time to time. I presume that makes him not a good arbitrator, does it? Has Mr. Teplitsky been appointed by us from time to time? I think the answer is yes. Let us conclude that maybe Mr. Dubin is at least as knowledgeable as Mr. Teplitsky and both of them have been appointed by us. Let us see what Mr. Dubin says:

**Mr. Foulds:** When?

**Hon. Mr. Grossman:** I told the members. It was in the 1975 Metropolitan Toronto school teachers dispute.



**Mr. Foulds:** Why has the Treasurer got that date and that judgement when he does not have the one from Ken Swan and yet he is reading from the same paper? Weak research?

**Hon. Mr. Grossman:** I will get the member the other one. Do not get nervous.

**Mr. Chairman:** Order. That is enough. The minister has the floor.

**Hon. Mr. Grossman:** "The interest and welfare of the public and the financial ability of those who are called upon to pay the cost of the services rendered" was cited by Mr. Dubin as one of his considerations.

**Mr. Foulds:** Read the whole sentence.

**Hon. Mr. Grossman:** I just did.

**Mr. Foulds:** That is not a whole sentence.

**Hon. Mr. Grossman:** Call Mr. Dubin and tell him you do not like his grammar. I have read the sentence out of that decision.

**Mr. Foulds:** I do not like the Treasurer's grammar. He read us a phrase.

**Hon. Mr. Grossman:** I will read it again. Mr. Dubin was citing his considerations. He might have been listing them. I am not here to apologize for his grammar. He cited as one of his considerations—and I presume this is one of a list and that may explain why it is not a complete sentence—"the interests and welfare of the public and financial ability of those who are called upon to pay the cost of the services rendered." That was cited by him as one of his considerations.

He did not feel his independence was threatened when he considered that. He thought it was appropriate to consider that in the circumstances. I must say I think that to suggest the two arbitrators who appeared before us expressing their concerns reflect all of the volume of knowledge on this matter is, with respect, considering Professor Arthurs, Professor Swan, Justice Dubin and others—

**Mr. Martel:** The Treasurer is comparing apples and oranges.

9:30 p.m.

**Hon. Mr. Grossman:** If the member for Sudbury East will leave his novel until later, he will get a chance.

**Mr. Martel:** The Treasurer is comparing apples and oranges and he knows it. He did not have five per cent written down in 1975.

**Hon. Mr. Grossman:** If the member will leave his novel until later, there is a lot of fiction in here if he will just stay here and listen to his

colleagues. The fiction will be as good as in that novel he was heading out to read. He will get his chance to speak.

**Mr. Martel:** The minister is better fiction than a novel.

**Hon. Mr. Grossman:** Mr. Chairman, I have been asked to respond—

**Mr. Chairman:** Order.

**Hon. Mr. Grossman:** I will wait.

**Mr. Chairman:** If the minister could avoid bringing the member to his level of excitement and the member could avoid the interjections, please, we will continue with the minister's remarks and the member for Sudbury East will just butt out. As was mentioned, his turn will come.

**Hon. Mr. Grossman:** I can belabour the House with a repetition of the remarks we made earlier. All I can say in response to the specific questions asked by the member for Port Arthur is that I think for arbitrators to suggest that their independence is infringed upon by asking them to consider, not be bound by and not be restricted by, but to consider ability to pay is taking it a rather far step.

There are all sorts of things, as I have indicated earlier, that could have put them in chains and shackled them and required them to do all sorts of things. When we reflect, particularly upon last year—and let us remember the atmosphere within which we are talking—there was no choice. Everyone got five per cent. This year we are in a restraint mode. Let us not forget that. We are not talking about labour legislation in a different context. We are talking only about Bill 111.

**Mr. Martel:** The minister is starting to sound like Bill Wrye.

**Hon. Mr. Grossman:** In that case, I will conclude my remarks. That was enough to scare me off.

**Mr. Martel:** Mr. Chairman, I listened to my friend play his little game. He talked about Justice Dubin. He is talking about 1975. He did not have the government suggesting to him as an arbitrator that there was a limit at which he must cut off.

What the minister has done now to arbitrators is to tell them the economic policy of the province at the present time is a guideline of approximately five per cent. Transfer payments are five per cent and that is the end. How one fights over the five per cent does not matter.

One can get two for some and eight for others, but the guideline is still five per cent.

What the minister is trying to do is make a comparison of apples and oranges. He is talking of a time when there was no restraint, supposedly. On the other hand, he now has a five per cent guillotine or five per cent sword hanging over the arbitrator's head.

What nonsense. Then he goes on to quote Weiler and other people who say it is no problem. I have read Weiler's last couple of reports on compensation. I found them chock-full of problems. In fact, some of his own colleagues have withdrawn the original white paper that came out that Weiler prepared for the government in conjunction with the Ministry of Labour. It went down the tube a long time ago.

The minister should not come around prattling Weiler. The member for High Park-Swansea comes here and talks about it. Maybe he wants to get up and tell us what happened to the paper that was presented and the draft legislation that was presented in that paper. What happened to it? It was done in by his own government, which then came in with a select committee to look into the affairs of the Workers' Compensation Board.

The minister should not come around prattling how wonderful Paul Weiler has been in all these things because, if he handled this in the same way he did the Workers' Compensation Board, he did it one late night on the plane back to Harvard. That is why he got into so much trouble with the Workers' Compensation Act he was attempting to report on and get legislative change over.

I go back to what the minister has said. On the one hand, he cannot say they have to take these things into consideration and all people say they take them into consideration. I say to the minister, if it is the case that these things are taken into consideration, why is he putting that in? Is it as a reminder, or is it to tell them it will be five per cent and they have to adhere to it? That is what the concern is.

The minister has quoted Mr. Swan as saying that this is one of the factors. He quoted Dubin, and now he is saying, "But I have to write it into the act." Why does he have to if that has been the role of the arbitrators and if they have taken those things into consideration? Is that just a little insurance that the government's five per cent guideline will not be tampered with?

When one looks at the letter the leader of the New Democratic Party read tonight, one has to

be amazed. This is the group the government set up to take the place of collective bargaining. Why would that group be so critical? They are the people who have been trying to resolve these problems between the police these many years. This is not a group I suspect one would consider very radical, but they know and they can see that the guideline the government is putting into the legislation is going to hamper the process of arbitration.

As for a study, this government is just a little more clever by half. To start to study it after it has been legislated is a little ridiculous. The only thing that is probably more ludicrous is the way the Wacky Bennetts handle things out in British Columbia.

**Hon. Mr. Grossman:** I understand that if the member for Sudbury East does not like the decision of a particular arbitrator or the place he allegedly wrote the decision, it means the arbitrator has no experience or knowledge to bring to the field. That is his view. It does not happen to be mine, nor is it the view of very many people who still seek Professor Weiler's arbitrations in this province and who recognize him as one of Canada's experts.

The member for Sudbury East said the Justice Dubin does not matter either since the was written in 1975.

**Mr. Martel:** No. Do not twist it around.

**Hon. Mr. Grossman:** That is what the member said. I was listening.

**Mr. Martel:** I did not say that. I said the minister is taking his decision from a time when there was no restraint and he is trying to apply now. The minister is an expert at twisting words around, but he should not try it here.

**Hon. Mr. Grossman:** So that the member will not accuse me, I will not even comment. I will leave his own recitation of what he said on the record. I had the opportunity to listen to the briefs and read them all. I notice that a number of the positions taken and authorities cited for reference in terms of the other side of the case predated 1975. Would the member believe there were also in a period when there was no restraint? Maybe those people also want to change their positions. The member and I may want to say that maybe they are not applicable in a time of restraint.

In case the member wants to reflect upon the applicability of some of these in an atmosphere of restraint and suggest that maybe they would not say the same things today as the member said about Dubin, I want to refer them to his

mmett Hall, Railways and Railway Unions, 1973—

**Mr. Foulds:** What did he say?

**Hon. Mr. Grossman:** These are all out of the submissions to the committee.

**Mr. Foulds:** What did he say? Read them into the record.

**Hon. Mr. Grossman:** They are very long, but I know the member has read them and has based his decisions on the reading of these. The only point I am making is that many of the cases the member relied upon in arriving at his position, which he presumed were equally applicable today, were made longer ago than when Justice Dubin made his comments, about which the member for Sudbury East now wants to say they were not made in an atmosphere of restraint, so they do not count.

**Mr. Foulds:** You are a twister.

**Hon. Mr. Grossman:** Let us be clear. I could read them all into the record. There was the same decision which was—

**Mr. Martel:** The minister twists everything. He is hanging the five per cent sword over them.

**Hon. Mr. Grossman:** I know the member for Sudbury East is enjoying this.

40 p.m.

The Shime decision, which the member has often referred to—I will get the exact date—was from the Comoka Nursing Home, 1975. Let us get them out. I want to cite something out of Teplitsky's presentation to the commission. Teplitsky spoke of Professor Johnson's report, which was made in 1974. It was longer ago than Mr. Dubin's remarks, which the member now wants to discount because they were made too long ago. I would like to say that a lot of the cases the member relied upon in saying the bill is wrong—

**Mr. Martel:** What I am saying is that you are discounting the five per cent now.

**Hon. Mr. Grossman:** The member may enjoy these. Convalodge Nursing Home, 1973, arbitrator Geddes; The member probably enjoyed that one. There are many of these. All of them go back some time. I have not suggested—

**Mr. Martel:** I concede you can read.

**Hon. Mr. Grossman:** Not only can I, but I did. That is the difference between us.

A lot of these cases bring a good body of knowledge to this situation. I have not discounted any of them because of the date on which they were rendered, nor should the member discount Dubin's because of the date

on which it was rendered. The only thing the member said that I might agree with is that a lot of these things have to be assessed in a different atmosphere, which is the restraint atmosphere. That is exactly what we are talking about. I am using the member's words. That is what we are talking about.

**Mr. Martel:** You are twisting my words.

**Hon. Mr. Grossman:** No, I am not. We are talking about how we move out of restraint, which the member did not think we should have in the first place. I would suggest simply that arbitrators should consider all that when they are making their decisions this year.

May I say to the member for Sudbury East that in reciting these arguments to him once again, I am so convinced by the arguments I have presented that I only wish I could have been at the Liberal caucus this morning. I am convinced they would still have been on my side on this. However, such is the case.

**Mr. Foulds:** Mr. Chairman, I just want to make a couple of quick points. The Treasurer is a master at taking things out of context. Professor Weiler's context in his testimony before the committee, as I understand it, was that he found the legislation supportable in the light of a government incomes policy.

When I asked Professor Weiler whether he knew what the provincial government's incomes policy was, he said he could not tell me what the government's incomes policy was. He did mention that he thought perhaps the provincial government could not have an incomes policy, because it was the federal government's responsibility. I do not think I am misquoting him at all.

He said such criteria and such legislation were only acceptable—maybe he did not use the word “only”—in the context of an incomes policy. I submit that there is no such incomes policy by this government or the federal government. The Treasurer is taking that out of context.

Second, the Treasurer is certainly taking the argument used by Mr. Teplitsky out of context, particularly the use of the date 1974 as it applies to the Johnston commission. In Mr. Teplitsky's speech, which he submitted as an exhibit, he indicated the government itself established a commission in 1974 in which the recommendations did not have anything to do with ability to pay.

The Treasurer has not acted on the recommendations of that commission. Suddenly, he is legislating terms of arbitration without updating



or implementing the Johnston report, which was some nine years ago, and without conducting a review. The Treasurer should not take that out of context.

Similarly, every one of the dates he illustrated, dating back to the decision by Justice Emmett Hall—I have some sympathy for that, as I indicated to the committee, because that happened to affect my own father; it increased his income from the magnificent rate of 97 cents an hour to \$1.17 an hour when he was a foreman in charge of 85 men.

That was the beginning of the argument about ability to pay being irrelevant. The Treasurer does a disservice to Justice Emmett Hall, Mr. Teplitsky, Mr. Shime and every one of the arbitrators he quotes when he quotes them out of context, without using the historical argument that Mr. Teplitsky used very well in his speech. The Treasurer is a twister, if I may say so, when he uses information in that way.

Finally, I simply want to say that the Treasurer has not been able to tell us, either before the committee or before committee of the whole, what other legislation requires arbitrators to take into account certain criteria.

One of the witnesses before the committee—Mr. Weiler, I believe—was good enough to say that he vaguely remembered some vague references to what the arbitrator had to take into account in the Crown Employees Collective Bargaining Act. I recommend to the Treasurer that he take a look at the Crown Employees Collective Bargaining Act, section 12, which is under the general rubric of arbitration.

I think the terms as outlined in the Crown Employees Collective Bargaining Act are quite sufficient; there is no need to further burden the arbitrators. I want to read these terms into the record:

"1. The board shall examine into and decide on matters that are in dispute within the scope of collective bargaining under this act.

"2. In the conduct of proceedings before it and in rendering a decision in respect of a matter in dispute, the board shall consider any factor that to it appears to be relevant to the matter in dispute, including:

"(a) the needs of the crown and its agencies for qualified employees;

"(b) the conditions of employment in similar occupations outside the public service, including such geographic, industrial or other variations as the board may consider relevant;

"(c) the desirability to maintain appropriate

relationships in the conditions of employment as between classifications of employees; and

"(d) the need to establish terms and conditions of employment that are fair and reasonable in relation to the qualifications required, the work performed, the responsibility assumed and the nature of the services rendered."

I suggest that those criteria are perfectly adequate without laying upon the arbitrators the additional burden embedded in the legislation we have before us. I have checked to see whether there are any directions for boards of arbitration under the Police Act, but I have been unable to find any. Therefore, I would like the Treasurer and his plethora of minion supporting him with notes to tell me exactly what other legislation gives instructions to arbitrators.

He has not answered the fundamental question put by my colleague the member for Sudbury East: if they take it into consideration in any event, if it is part of the consideration why do we need to legislate?

**Hon. Mr. Grossman:** Is that it?

Interjection.

**Hon. Mr. Grossman:** Two out of 69 is all I can get on a night like this.

Mr. Foulds: That is all you deserve.

Interjections.

**The Deputy Chairman:** Order. We are speaking to an amendment to section 6.

**Hon. Mr. Grossman:** It works for some of us—

**Mr. Bradley:** Phil Gillies is on your side.

**The Deputy Chairman:** Order.

Interjections.

**The Deputy Chairman:** Order. There is no order. Would the Treasurer please continue his response?

**Hon. Mr. Grossman:** Mr. Chairman, having listened to the member for Port Arthur's analysis of the circumstances, I really cannot add anything more without repeating myself from earlier questions along the same vein. I simply think it is appropriate, in a continuation of restraint policy, that arbitrators consider this.

I understand all the points he has made. We just dramatically disagree on it. This is not a long-reaching, permanent change to labour legislation. This is a restraint bill that says that in continuing restraint mode, arbitrators should consider all this. Why do I think it is necessary?

Because we are still in restraint. That is the simple answer.

9:50 p.m.

**Mr. Bradley:** Mr. Chairman, this part of the bill is significant in that the Treasurer has at least indicated a strong desire to have arbitrators in this province recognize the ability to pay. He and I, being former municipal politicians—one at the board of education level, I believe, and one at the city council level—will recognize that directors of personnel and certain members of city council always complained about the fact that they thought arbitrators did not take into account an employer's ability to pay.

As my leader indicated early in the questioning on this, he always felt, as I did, that arbitrators did indeed take into account in the back of their minds a municipality's or an employer's ability to pay. That was not the sole issue, however; it was not the paramount issue. It was just one of the considerations of an arbitrator, and therefore there was some free rein for arbitrators to make a reasonable pronouncement at the end of the consideration of both sides' presentations.

It seems to me—and in some cases it has perhaps been an unfortunate experience for municipalities, but only on some occasions—that when you take away the right to withdraw one's services as a sanction, which is particularly the case in situations involving fire department and police force employees—a right that is available to most people in this province—you have to expect that when you replace it with arbitration you cannot stack the deck against one of the two sides in an arbitration.

It seems to me that if we insert in this bill a sole criterion that deals with the ability of the employer to pay, we start to stack the decks in favour of one side. We also discourage—I thought some of the people who made presentations to the committee indicated this very well—employees' associations and unions from wanting to agree to go to arbitration because they feel arbitration is going to be rigged against them; and on the other hand, we encourage employers to go to arbitration because they feel they are going to gain more from it. So what we have is more labour unrest in this province, more disruptiveness of the situation for the public service in this province, and no one really gains.

Somewhere along the line a set of criteria might well be established for arbitrators. That study is going on now. The minister revealed to the House earlier this evening that the Ministry

of Labour is undertaking a study of the arbitration process in this province. When that process begins in January, representations can be made from the various groups that are directly and indirectly affected, namely, those representing employees and those representing employers, and at that time a reasonable compromise can perhaps be struck that everyone can agree to. We may even reach a state of consensus between both sides, management and labour, and be able to improve upon our arbitration process.

But to isolate in one particular bill one segment of that arbitration process, as is stated in this bill, is dealing with the arbitration process in this province in the wrong way. As I have indicated on many occasions, and I think we did this in questioning some of the people who appeared before the committee, there is no doubt that arbitrators are not blind to the fact, and have not been blind in the past to the fact, that certain employers perhaps find it difficult to pay very high settlements.

I encourage the Treasurer, the person who has emerged as a statesman on that side of the House, to give serious consideration to the very reasonable representations made by some who appeared before the committee, particularly those who have been involved directly in the arbitration process, and to look with favour upon the amendment presented by the Liberal-Labour member for Rainy River, who has shown—as they say in the labour movement—eminent good sense in presenting a moderate and reasonable alternative to what is contained in the legislation.

I would be among the first in this House and among the first around this province—certainly in the provincial constituency of St. Catharines—to publicly commend the Treasurer if he were to accept an amendment as enlightened as the one presented by the Liberal critic in the field of finance.

I am certain that in his quest for a consensus in this province—which I think the minister will have to seek as he moves along the political line and up the political ladder—in seeking that moderate, middle-of-the-road consensus, he will find appealing the very reasonable amendment put forward by my colleague.

I can only hope good sense will permeate the cabinet meeting tomorrow as the minister presents his proposals for amending his own legislation to make it more progressive than conservative.

**Mr. Mancini:** Mr. Chairman, I wish to join my colleagues in the debate concerning the arbitra-

tion process and the problem this legislation will cause. As we all know, the minister has sat in on the committee hearings and has heard from arbitrators of considerable experience. He has heard at first hand exactly what problems they will face and exactly what some of them will do about these problems.

We have been told that some of the senior arbitrators in Ontario do not understand what the ministry is asking them to do. Therefore, they will not make themselves available—

**Mr. Conway:** Stephen Lewis will not do any business with the Ontario government.

**Hon. Mr. Grossman:** He doesn't need the business.

**Mr. Mancini:** Perhaps I could have the attention of the Treasurer, because the arbitration process is going to be very significant once the bill is passed. We have been told that some senior arbitrators are not going to make themselves available to hear these cases because of the way the legislation is written. They just cannot understand what the Treasurer wants them to do. In good conscience, they cannot appear before groups that want to settle labour disputes when they are not exactly sure of the guidelines they should follow.

This problem caused by the Treasurer seemed to give him some interest in the matter when we were at committee hearings, as did other things. However, it appears the Treasurer just sits at committee hearings and says nice things about the people who come before the hearings so that he may in some way lessen the pain once the presentations are made and the bill is reported to the House. We know the Treasurer actually did listen, but he listened in such a way that he really had his mind made up before the presentations were made.

I am a little disappointed about this. I wanted to raise several points with the arbitrator who was before our committee. His presentation was so good, and it certainly appeared the Treasurer was following what was being said, it seemed that to ask the individual more questions would be just a repetition of what he had put before the committee.

10 p.m.

I want to know from the Treasurer what he is going to do when the senior and well-thought-of arbitrators in Ontario refuse to take these cases. Who is he going to use to solve the very difficult disputes which are going to be brought forward? If our best are not going to be available, and I think I recall the Treasurer mentioning to me in

a hushed voice that he thought one particular arbitrator who was before us was quite capable and quite well thought of, who is going to solve our disputes if people of the calibre of that gentleman are not going to make themselves available?

That is a problem this Legislature is going to have to address. If we do not address it, arbitrators who are possibly without enough experience in this field, arbitrators who possibly do not have the calibre because of lack of experience in this field are going to be called upon and are going to give settlements that are going to cause considerable disruption within the public service across Ontario.

The bill is being brought forward, if we can believe the Treasurer, as a transition bill in order that the least amount of disruption possible be caused; yet he refuses to address one of the most important areas of the bill at the present time, and that area of how the arbitrators are going to react could disrupt the whole bargaining process throughout our province.

I want to remind the Treasurer that he seemed interested last week at the committee. We hope he is interested tonight and I am very interested to hear what he says about the fact that some of our best arbitrators are not going to make themselves available.

**Hon. Mr. Grossman:** Mr. Chairman, might I say to the honourable member that I think when the arbitrators have some time to contemplate the circumstance, perhaps after the bill is passed, they will be able to reflect upon the situation and realize that really the system does need their expertise.

To the extent that there is some problem in sorting out what "ability to pay" means in this context and how it should be interpreted, I might say that I really do know the quality of the arbitrators and I think they are well suited for and capable of making the right judgement as to how they ought to apply that in the circumstances they face, and I hope that over time they will prove to be willing to serve. I am fairly confident that will be the case.

**Mr. Mancini:** But you are not sure.

**Hon. Mr. Grossman:** Nothing is for sure. You may not be re-elected.

**The Deputy Chairman:** We have an amendment before the House on section 6.

All those in favour will please say "aye."

All those opposed will please say "nay."

In my opinion the nays have it.

Vote stacked.



**The Deputy Chairman:** Mr. T. P. Reid moves that subsection 6(4) be struck out and the following substituted therefor:

"(4) Where, in the opinion of the board, the documents and information filed with the board under subsections 1 and 2 do not adequately set out the particulars of the changes to the group compensation plan and the cost or saving attributable to such changes, the board may, within 5 working days from the actual receipt by the board of the documents and information, defer the implementation of:

- "(a) such changes proposed in a statement;
- "(b) the collective agreement containing such changes;
- "(c) the arbitral award containing such statement; or
- "(d) such changes determined under clause 2(b)."

"(d), until, in the opinion of the board, this section is complied with, and the board shall forthwith require the party who has not complied with subsections 1 and 2 to file with the board within such time as the board considers reasonable the necessary information."

**Mr. T. P. Reid:** Mr. Chairman, this is consequential to the first amendment and to the hope that sections 8, 9 and 10 will be struck from the bill, so I do not think we have to regurgitate it all again.

**Mr. Foulds:** Mr. Chairman, if I understand this amendment correctly, I do not intend to support it and I certainly do not intend to support the clause in the bill. This amendment, as does the original section, applied to the arbitration process allows the deferment of the implementation of an arbitration decision. One of the arguments we heard time and again in the committee was that arbitrations were deferred long enough. I do not intend to vote for this amendment and I do not intend to vote for the clause that is in the legislation.

**Mr. Mancini:** Mr. Chairman, I want to say quickly that I support my colleague's motion that has been put before the House and I want to remind the Treasurer that when I got elected to the Legislature in 1975 I did not get elected on my father's coat-tails.

**Mr. Chairman:** I do not know what that was all about.

**Mr. T. P. Reid:** In this aura of sweetness and light, I would like to move another amendment.

**Mr. Chairman:** We did not take the vote on this first one here.

All those in favour will please say "aye."

All those opposed will please say "nay."

In my opinion the nays have it.

Motion negatived.

**Mr. Chairman:** Mr. T. P. Reid moves that subsection 6(5) be struck out and the following substituted therefor:

"(5) Before any deferral of implementation under subsection 4 takes place, all parties to the collective agreement or arbitral award shall be notified of the intent to defer and

"(a) allowed 10 working days to provide the required information to the board and

"(b) be required to provide to the other parties access to such records and information as may be necessary to complete the calculations required under clause 2(b)."

**Mr. T. P. Reid:** Mr. Chairman, this is consequential as well to the other matters. However, it also provides a further amendment or a new situation under clause 5(b) that the employees be allowed to have access to the records and information so they can make their case to the board.

One thing that is lacking in the bill is, in effect, that the employer does not always provide access to the salaries, the wages, the fringe benefits and the total wage package. We are moving in this amendment to ensure that if the bill carries, as it appears it might, those people involved in the process, particularly the employees or their representatives, will have complete access to the information so that they can make a case to the Inflation Restraint Board as well, based on full knowledge of the total picture, which the Treasurer seems to indicate he wants taken into consideration.

That being so, I would suggest that the Treasurer would at the very least be able to accept clause 5(b) as being in the spirit of the bill as he has suggested it should be, and that everyone should have a total knowledge of the total cost so that the arbitrators, the Anti-Inflation Board and the people appearing before it or having access to it will have all the information to go before it.

10:10 p.m.

**Mr. Roy:** Mr. Chairman, I am a bit disappointed, knowing the Treasurer's sense of equity and justice, that he would not—

Interjection.

**Mr. Roy:** Pardon me? Is the minister going to respond? I will let him respond. Fine, go ahead.

**Hon. Mr. Grossman:** The only condition is—

**Mr. Roy:** No, no conditions. He is a statesman now. Let him respond.

**Mr. Chairman:** Look, fellows, let's get it together.

**Mr. Roy:** I do not want to prejudge the minister. I just want to encourage him. I want to encourage the minister, considering his new vocation as a statesman and a man who exhibits in this place a sense of balance, equity and perception, to see this amendment as eminently reasonable, even though he may have some concern about the previous amendments. Knowing his sense of justice, and I do not want to be too fatuous about this, and his training in law and equity, he would understand that one of the fundamentals of any decision-making process is to have full disclosure. Why would he not accept the amendment of my colleague to give full disclosure to all parties involved in this process?

I am presuming from my limited court experience that the facial expression of the minister and his officials means there is some sense of understanding of and maybe even acquiescence in this process. I will limit my comments on the basis that the minister will give this amendment full consideration because he fully understands that arbitration, negotiation and agreements are much easier if all parties have full access to all information. Nobody is playing any games and everybody knows what the other party's position is.

I would think such an amendment would appear so equitable that the argument would not require any pleading on my part or on the part of my colleague and that the minister would understand this would make his bill, which has a few hooks and curves and things like that, more equitable and give it that touch of equity necessary in legislation as Machiavellian as this.

Interjections.

**Mr. Chairman:** Order.

**Hon. Mr. Grossman:** Thank you for that most reasoned and sensible approach. I might say the member for Ottawa East knows the way to get the Treasurer's attention on this kind of matter and I applaud his insight. However, there is one modest problem. While we might all choose to reflect upon the analysis put forward by the member for Rainy River, I have noted at this particular stage of the exercise that the information would come to the attention of the parties after the settlement has been reached, when the information is simply being filed with the board.

The information would come to the attention

of the parties too late to use in the course of negotiations. Negotiations would have been completed, the settlement reached and the information supplied to the parties at the point of filing. That being the case, as laudable as the goals may be, many of which may be met in other ways, it would not help the process in the way it has been described. For that reason, we would think it inappropriate to accept the amendment.

**Mr. T. P. Reid:** I can appreciate what the Treasurer is saying. We tried to fit it in somewhere else and perhaps we have made a slight error in placement. For the sake of compromise and since the Treasurer has indicated it is a good idea, will he bring forth an amendment to the bill to ensure that all parties have access to the information? He can put it wherever he likes in the bill.

**Hon. Mr. Grossman:** I think the kind of argument that has been put forward should be reviewed at a later time, particularly in the light of the public sector pay research agency which is also going to be set up subsequently. It is something that is long overdue. Many of the witnesses before the committee—

**Mr. T. P. Reid:** By the time that gets going there will probably be over with.

**Hon. Mr. Grossman:** There is no question about that, but I might say collective bargaining in the public sector has seemed to work fairly well through the years and, in some cases, the term of the agreement—

**Mr. T. P. Reid:** And this bill screws it all up.

**Hon. Mr. Grossman:** That is why we are going back to collective bargaining with a transitional bill this year because, as I said in my statement when I introduced it, we do believe in the collective bargaining system and we do believe it has worked very well over the years. Our concern is simply how that process might reflect the importance of a second year of restraint.

**Mr. T. P. Reid:** I gather from all those nice words the Treasurer said he is not going to bring forth an amendment of his own to guarantee that employees have access to the records, salaries, costs and so on that he seems to be sure the arbitrators should have. Why should the employees not have access to the employee records so they can argue the case, whether the government wants it at the first of the bill or at the end or somewhere else? Surely to make the bill equitable, to make everybody have a understanding of what costs are involved, the

Treasurer could guarantee them that access to the records.

**Hon. Mr. Grossman:** In the context of the modest objectives of Bill 111, what we want to do is what has been outlined in the bill. We want to introduce and keep a restraint atmosphere in the collective bargaining system. Any of the fundamental changes to the collective bargaining system, be they long-term ability to pay or sharing of more information than is already shared—which often is a term of the negotiated agreement itself, that is, how much information shall be available—are more appropriately left to long-term labour legislative considerations.

**Mr. T. P. Reid:** That means no?

**Hon. Mr. Grossman:** That means no.

**Mr. Roy:** Mr. Chairman, I am very disappointed that the Treasurer, to whom I was so complimentary earlier, would reject this very sensible amendment on the basis of a technicality. I can understand that disclosure is not very useful if it takes place at the end of the process and that disclosure should be made at the first available opportunity. I think that is the spirit in which my colleague proposed the amendment. I would have thought the Treasurer would have said to us this evening, and I am one who, after 12 years, even though the wear and tear does not show—

**Hon. Mr. Grossman:** We can vote on that.

**Mr. Roy:** We will see. There are all sorts of things happening. For instance, he got his QC at the same time as I did, but I deserved mine.

**Mr. Conway:** I think there was some direct relationship, wasn't there? Not Larry without you?

**Mr. Chairman:** Order.

**Mr. Roy:** There was, but it amazes people when I say I have been observing this place now for so many years. I have watched different people come and go. I have watched careers go up and down. I have watched the government house leader turn all white. He is still a very pleasant fellow and we still like him. Even people in the gallery still feel he is great.

**Mr. Chairman:** Will the member return to the amendment, please?

**Mr. Roy:** Yes. I notice that you, Mr. Chairman, must be using the same stuff as Ronald Reagan because the grey is coming in very slowly in your crop.

I think it is a good idea that the Chairman should be wearing the proper uniform of the Deputy Speaker. I think it gives the place a

certain amount of decorum. I would hope your colleague the member for York Centre (Mr. Cousens) would wear one of those uniforms as well. It may give more decorum when he shouts "Order" around this place.

**Mr. Chairman:** Back to the bill.

**Mr. Roy:** In any event, back to the bill, back to the amendment. I was saying to the Treasurer that surely when an amendment has substance of itself, when it smacks of equity and justice and would be totally acceptable to a process requiring compromise and a sense of goodwill on behalf of all the parties involved, he would take the amendment proposed by my colleague and, at the first possible opportunity, insert it in the bill.

**10:20 p.m.**

Some of us are not knowledgeable enough in the drafting of legislation to know exactly where in the bill it should go, but surely that type of principle, that type of sentiment, should be inserted in the bill at the first possible opportunity so all parties are encouraged to give full disclosure to each other, and by having full disclosure there is a sense that nobody is pulling a fast one on the other party. Everybody will know what the other party's position is.

The bargaining position is relatively restricted with this legislation. I see nothing offensive and nothing which undermines the principle of this bill by inserting this type of amendment. Surely the Treasurer did not expect us, the responsible official opposition of Ontario, to be deterred by his very weak argument that the amendment was proposed at the wrong place.

Would the Treasurer please give us an undertaking, which I am sure he can do since he has very competent people working for him? His colleagues will accept it. Some of them think he has leadership qualities. Prove it. Show some flexibility. He should show he is not afraid to accept ideas no matter what the source. He will know that generally any time an idea originates from this side of the House, the responsible official opposition of Ontario, it deserves some consideration. I am sure he is considering this as being an excellent amendment; It is just where to fit it in.

We are prepared to exhibit some flexibility in where to fit it in. I am sure my colleague the member for Rainy River has already given that undertaking. Surely he does not expect him to say, "It is a great amendment, but we will shove it aside because you have proposed it at the wrong time or place." Put it into the bill. We are



supportive of the general principle of this legislation, at least I think we are.

**Mr. Foulds:** Oh, back on side now.

**Mr. Roy:** We never hide our position. We take a position and we are consistent, even more than the government is.

**Mr. Foulds:** You skate as much as the Treasurer does.

**Mr. Charlton:** Your colleagues are having second thoughts.

**Mr. Roy:** Did I hear some comments from—

**Mr. Chairman:** No, I think you should just carry on.

**Mr. Charlton:** The comment was that your colleagues were having second thoughts before you arrived.

**Mr. Roy:** Not at all.

**Mr. Foulds:** Now they have really got second thoughts, now you have arrived.

**Mr. Roy:** Not at all. It is just that the New Democratic Party sometimes has some difficulty understanding people who are prepared to give every argument a proper theory or prepared to look at both sides of an issue. They are not caught up on principles as some people are, very often outdated principles. We are not caught up on that. This party is with it for 1983.

I would like to prevail on the Treasurer to give us some undertaking that he is prepared to look at the principle of this amendment and give us some undertaking that he is going to insert this type of amendment some place in the legislation where it will be effective and will encourage parties to give full disclosure to each other.

**Mr. Chairman:** All those in favour of Mr. T. P. Reid's amendment will please say "aye."

All those opposed please say "nay."

In my opinion the nays have it.

Vote stacked.

**Mr. Foulds:** On a technical matter, I guess we do not vote on section 6 until we vote on the stacked amendments, is that correct?

**Mr. Chairman:** That is correct.

**Mr. Foulds:** Does that subsection 7(b) be deleted from the bill.

**Mr. Foulds:** Mr. Chairman, I simply make the arguments with regard to the terms of employment as not being a matter that should be the

subject of this bill in section 1. To be consistent subsection 7(b) should also be deleted. I will not repeat the remarks I made with regard to terms of employment on section 1.

If I could get another member of my caucus in his seat so that when the vote is called five members could stand, I would cease my remarks in due course. However, that is obviously going to take a minute or two.

As I said, I made the arguments when we were talking about terms of employment under subsection 1(m). To be consistent with that amendment, which our party voted for and divided the House on, this amendment requires that 7(b) be deleted from the act.

**Mr. Chairman:** Is it the pleasure of the committee that this amendment carry?

All those in favour will please say "aye."

All those opposed will please say "nay."

In my opinion the nays have it.

Vote stacked.

**Mr. Chairman:** Mr. Foulds moves that clause 7(c)(ii) be deleted from the bill.

**Mr. Foulds:** Once again, this has to do with the terms of employment. To be consistent with the deletion of section 7(b), which this party is advocating, and the deletion of 1(m), this amendment must pass.

**Mr. Chairman:** Is it the pleasure of the committee that this amendment carry?

All those in favour will please say "aye."

All those opposed will please say "nay."

In my opinion the nays have it.

Vote stacked.

**Mr. Foulds:** Do I conclude that the discussion on section 7 has concluded and we will proceed with section 8?

**Mr. Chairman:** Yes.

On motion by Hon. Mr. Grossman, the committee of the whole House reported progress.

## BUSINESS OF THE HOUSE

**Hon. Mr. Wells:** Mr. Speaker, I might just indicate to you that based on the progress that has been achieved tonight, rather than proceeding with the business we had formerly indicated for Thursday evening, we will continue with committee of the whole House on Bill 111.

The House adjourned at 10:30 p.m.

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# **Hansard**

## **Official Report of Debates**

### Legislative Assembly of Ontario

**Third Session, 32nd Parliament**

Thursday, December 8, 1983

Afternoon Sitting

Speaker: Honourable John M. Turner

Clerk: Roderick Lewis, QC

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# LEGISLATIVE ASSEMBLY OF ONTARIO

Thursday, December 8, 1983

The House met at 2 p.m.

Prayers.

## STATEMENTS ATTRIBUTED TO MEMBER

**Mr. Peterson:** Mr. Speaker, on a point of privilege: Since the last sitting of this House, reports have appeared in the daily press attributing to me a comment made to the editorial board of the Kitchener-Waterloo Record. Specifically, the reports implied that I described three of my esteemed colleagues, the member for Renfrew North (Mr. Conway), the member for St. Catharines (Mr. Bradley) and the member for Ottawa East (Mr. Roy), as scandalmongers in their vigilant research and vigorous pursuit of answers from the governing party.

I want the public record to show that I did not use those words in discussions with the editorial board, nor do I wish such an interpretation to be drawn from any comments I may have made to those journalists. My staff has consulted with a representative of the Kitchener-Waterloo Record who attended the meeting. After consultation with others in attendance, neither he nor the reporter who wrote the story nor the senior editor could recall that I had referred to my colleagues in that fashion.

I have the highest regard for my colleagues and for the exemplary way in which they are discharging their responsibilities as members of the official opposition in Ontario. I thank you for this opportunity to correct the public record.

**Hon. Mr. Wells:** Mr. Speaker, following up my friend's statement, I would like to ask whether he was also going to make a statement about our esteemed colleague the official opposition House leader, who I think was termed—certainly his organization—as having made some stupid decisions.

**Mr. Speaker:** I think you may ask that question at the appropriate time.

## SUPPLEMENTARY ESTIMATES

**Hon. Mr. McCague:** Mr. Speaker, I have a message from the Honourable the Lieutenant Governor signed by his own hand.

**Mr. Speaker:** The Lieutenant Governor transmits supplementary estimates of certain addi-

tional sums required for the services of the province for the year ending March 31, 1984, and recommends them to the Legislative Assembly. Signed by his own hand at Toronto on December 8, 1983.

## STATEMENTS BY THE MINISTRY

### ROYAL VISIT

**Hon. Mr. Wells:** Mr. Speaker, a week ago I announced in this House that Her Majesty Queen Elizabeth II and His Royal Highness the Duke of Edinburgh would be visiting Ontario as part of the province's bicentennial celebrations. That visit is to take place in the latter part of July. The Prime Minister of Canada has since announced the appointment of Major General Roland A. Reid as Canadian secretary to the Queen and co-ordinator for the 1984 visit.

Today it gives me great pleasure to announce that the director general for the Ontario royal visit in 1984 will be Colonel Robert H. Hilborn. Colonel Hilborn will have overall responsibility for Ontario's involvement in the 1984 visit. In his capacity as director general, he will be chairman of the co-ordinating task force responsible for liaison with federal government officials, Buckingham Palace staff and local organizing committees.

Colonel Hilborn has served as Canadian equerry to Her Majesty Queen Elizabeth the Queen Mother in 1965 and in 1974, and as her honorary Canadian equerry in 1979 and 1981.

Colonel Hilborn, who is senior vice-president and director, Johnson and Higgins Willis Faber Ltd., is also chairman of the Ontario Insurance Exchange Advisory Committee. He is a past president of the Board of Trade of Metropolitan Toronto and also past president of the Duke of Edinburgh's Award in Canada. Colonel Hilborn, who served overseas during the Second World War with the 10th Canadian Infantry Brigade, commanded the Toronto Scottish Regiment from 1960 to 1963 and was its honorary colonel from 1971 to 1977.

Next week General Reid and Colonel Hilborn will be meeting with the Premier (Mr. Davis) to discuss next summer's visit of Her Majesty. Following that meeting, the exact dates for the



Ontario portion of the July visit will be announced.

Assisting Colonel Hilborn as secretary for the province's co-ordinating task force and acting as provincial co-ordinator for the visit will be Walter Borosa, chief of protocol.

#### ARBOREAL EMBLEM LEGISLATION

**Hon. Mr. Pope:** Mr. Speaker, it is my pleasure today to introduce a bill to proclaim the white pine as the official tree for this province. I believe the white pine will make a significant, tangible—

**Mr. Breauch:** What happened to the blue jay? Have you dumped the blue jay?

**Mr. Martel:** Oh, not a fish?

**Mr. Rae:** Is this the provincial fish?

**Mr. R. F. Johnston:** Who is the provincial insect?

**Mr. Speaker:** Order, please. May we have some attention and then we will hear the minister's statement.

**Mr. Martel:** Nobody wants to hear it.

**Hon. Mr. Pope:** Mr. Speaker, it is my pleasure today to introduce a bill to proclaim the white pine as the official tree for this province.

**Mr. Martel:** That beats the provincial fish.

**Mr. Speaker:** Order.

**Mr. Rae:** You are going to have to find a white pine before you can proclaim it.

**Hon. Mr. Pope:** Its real name is the eastern white pine. The members can have their scandalmongers take that.

I believe the white pine will make a significant, tangible and lasting contribution to Ontario's bicentennial celebrations in 1984.

The white pine was the unanimous choice of the Ontario Tree Council, representing 30 tree and forestry organizations. In accepting their recommendation, Ontario becomes the first Canadian province to adopt an official tree. Let me emphasize here that the white pine will not replace the trillium as a means of identifying Ontario; rather, it will serve as a complementary symbol of great beauty and utility.

The species has played a role in our province's economic, social and cultural development, a role unequalled by any other native tree. It was treasured by our native people. Its wood was used in early shipbuilding and helped lay the cornerstone of development for Ontario. Settlers from France, Britain, the United States and other countries used white pine extensively for shelter, furniture, tools and even toys.

Something else that justifies the choice of the

white pine as Ontario's official tree is its wide range. Most of us are familiar with its outstanding and characteristic beauty since it grows where most of Ontario's population lives.

I foresee the development of a significant cottage industry producing white pine carvings and mementoes. This will boost the tourism industry as well as provide meaningful employment for many throughout the province.

Therefore, I take pleasure in recommending that the white pine be proclaimed Ontario's official tree during our bicentennial celebrations in 1984.

**Mr. Van Horne:** On a point of order, Mr. Speaker: The honourable minister neglected to include in his comment the cost that was involved through the council or the special group that took three years to make this determination. I wonder if he could provide that information for us.

**Mr. Speaker:** Order, please. That is hardly a point of order. The member may ask the question during the appropriate time.

**Mr. Boudria:** On a point of order, Mr. Speaker: The minister also neglected to tell us why we have a Scotch pine in the lobby of the Legislature instead of a white pine.

**Mr. Speaker:** Order, please. That is not a point of order.

2:10 p.m.

#### RENOVATION CODE LEGISLATION

**Hon. Mr. Bennett:** Mr. Speaker, in June 1980 the Premier (Mr. Davis) announced that the government, in consultation with the public and private sectors, would develop residential renovation guidelines to extend the life of our residential resources, create rental accommodation and support the renovation industry.

The government, with the assistance of the building industry, municipal organizations, professional associations and research and standards agencies, developed a draft residential renovation code which provides a number of options by which renovation can be undertaken. In July 1982 the draft was released for public comment. The response was positive, with many comments and suggestions being incorporated into the revised final draft.

The Ontario Building Code at present regulates the construction of buildings in Ontario. The code, while oriented to new construction, also regulates renovation and conversion of existing buildings. When applied to older build-

ings, it was found that renovation or conversion could not always be economically accomplished.

I am pleased to introduce for first reading today a bill that will enable the government to pass regulations to adopt a renovation code as part XI of the Ontario Building Code. The purpose of this legislation is to facilitate the renovation of residential buildings and conversion of nonresidential buildings to residential use.

The renovation code will be limited to houses, boarding or lodging houses and apartment buildings that are five years old or more, and nonresidential buildings converted for residential use. The code will allow renovations to be undertaken under the existing building code to utilize compliance alternatives, or an applicant may suggest alternatives that do not deplete the existing life safety of the particular structure.

The renovation code will also permit municipal building officials to require upgrading of other parts of a building not specifically under renovation where the renovation affects the rest of the building and the performance level or level of life safety is diminished.

My ministry is currently holding seminars and workshops in municipalities across the province to acquaint municipal officials and the building industry with changes to the building code. In the new year we propose to include information relating to the new renovation code.

The renovation code will assist in more effective and economical renovations to extend the useful life of our existing residential resources, to offset the shortage of rental accommodation and to promote an active renovation industry. Many owners having buildings that would otherwise stand idle, be demolished or be renovated with great difficulty and cost, when made to comply with the stringent requirements of the present building code, may avail themselves of the flexibility afforded them by the renovation code.

**Mr. Speaker:** Before you proceed, may I please have the co-operation of all honourable members in limiting their private conversations, and would all members please resume their seats.

#### GRATTAN TOWNSHIP ELECTION

**Hon. Mr. Bennett:** Mr. Speaker, I would like to inform the House that I have found it necessary, by minister's order, to declare the seats of the members of the council of the township of Grattan in the county of Renfrew vacant, effective today, December 8, 1983.

This action is necessary because the council has been unable to hold a meeting since October 5, 1983, because of a failure to obtain a quorum. Under section 48 of the Municipal Act, I am calling a new election for February 6, 1984. A trustee has been appointed to fulfil the duties and obligations of the council until the new election is held and the members so elected have taken office.

#### ORAL QUESTIONS

**Mr. Peterson:** Mr. Speaker, I am expecting the Minister of Consumer and Commercial Relations (Mr. Elgie). There has been a spate of regulatory failures in this province, and I will wait for him for one question.

#### NIAGARA GRAIN AND FEED BANKRUPTCY

**Mr. Peterson:** Mr. Speaker, I will start on the same subject to the Minister of Agriculture and Food. The minister is aware of what is happening now, presumably, even though he should have been ahead of time when the warning signals were coming out of Smithville concerning the Niagara Grain and Feed elevator company.

Why is it that his inspectors, hearing rumours prior to sending in receivers and having notice at least two weeks ahead of time, failed to move in and inspect? How could the minister allow this regulatory failure to go on in his ministry?

**Hon. Mr. Timbrell:** Mr. Speaker, the Leader of the Opposition, with all due respect, is perpetrating rumours. I am told the first notice the chief inspector had of the company in question going into receivership was on the morning afterwards. He immediately moved to do an onsite inspection, seal the bins and seize the grain in storage. Since then the inspector has been working on a daily basis with the receiver in question, doing everything possible to verify the way-tickets that are listed and in the possession of the receiver, to be certain who had grain in storage and the quantities involved.

**Mr. Peterson:** It is our information there was at least two weeks' prior notice of this failure and a multiplicity of rumours before that time. I assume the minister will be launching an investigation of his own department to find out whether there was indeed, as is certainly suggested, another regulatory breakdown.

The question now is recovery by those farmers. The receiver told us yesterday that probably 30 to 35 per cent of the corn is missing. In the corn area alone, that could run to a \$500,000 loss. Will the minister use his good offices to

guarantee there will be no losses to any farmer as a result of this receivership?

**Hon. Mr. Timbrell:** As I said at the outset in answering the first question, based on the information I have—and I have had a number of discussions with the chief inspector and the people to whom he reports in the ministry—the member's information is wrong. I will certainly put that question to him, though, since the member has made that very serious allegation.

In addition to the chief inspector, we have had a number of people involved in following up on this matter, including the deputy minister, the assistant deputy minister, the head of farm products marketing, representatives of the legal branch and others in my ministry and within the government.

We are pursuing all the facts as we know them to date. Quite frankly, I do not think we have all the facts yet. That is why I mentioned that the chief inspector is working on verifying the list of people who are shown as having had grain in storage. We want to be sure there are no duplications, that there were not some people shown on that list as having grain in storage who had sold it, in which case they are not covered by the Grain Elevator Storage Act.

Pursuant to a number of concerns raised by individual producers as well as some members of the House, we also had a meeting at a very high level with the bank in question to try to ascertain some of the facts that would involve it.

**Mr. Swart:** Mr. Speaker, the minister will be aware that he got reports from the meeting the other evening that several farmers had checked with the bank to determine the viability of the Niagara Grain and Feed company and were told—one of the farmers had it in writing and paid \$4 for the information—that the company was viable just three weeks before it collapsed. Does the minister not think, therefore, the Bank of Montreal has some moral obligation to those farmers, perhaps even a legal obligation?

The minister has never proclaimed the new elevator storage legislation. In his introduction of that bill, the minister said the bill “would further clarify the position of the producer in sales transactions by declaring that the owner retains title to the grain until he receives his money.”

**Mr. Speaker:** Question, please.

**Mr. Swart:** Much of the grain that is missing, that had apparently been sold, was sold under agreement and therefore the elevator never owned it. What responsibility is the minister

going to take for his negligence in not proclaiming this bill and assisting the farmers, many of whom are going to go bankrupt because of this failure?

**2:20 p.m.**

**Hon. Mr. Timbrell:** Mr. Speaker, there is nothing in the new legislation that would have afforded any more protection in those cases where—

**Mr. Swart:** I have a lawyer's opinion otherwise. The minister is covering up.

**Hon. Mr. Timbrell:** I beg your pardon?

**Mr. Swart:** The minister is covering up.

**Mr. Speaker:** Order. Never mind the interjections.

**Hon. Mr. Timbrell:** When the member withdraws that, then I will finish my answer.

**Mr. Speaker:** Final supplementary; the member for Kent-Elgin.

**Mr. McGuigan:** Mr. Speaker—

**Hon. Mr. Timbrell:** Mr. Speaker—

**Mr. Rae:** You are not the Speaker.

**Mr. Speaker:** Order. The Minister of Agriculture and Food on a point of privilege.

**Hon. Mr. Timbrell:** Mr. Speaker, on a point of privilege: The member for Welland-Thorold (Mr. Swart) has made certain allegations, which I think he should withdraw. I ask you to so direct.

**Mr. Breithaupt:** What did he say?

**Mr. Speaker:** What did he say?

**Mr. Swart:** Mr. Speaker—

**Mr. Speaker:** Will the honourable member just resume his seat, please?

**Mr. Swart:** On the point of privilege, Mr. Speaker—

**Mr. Speaker:** Order. Just resume your seat for a minute, please.

Interjection.

**Mr. Speaker:** It was an interjection that I did not hear. It having been raised, I ask for somebody to identify what was said.

Interjection.

**Mr. Speaker:** All right, I am prepared to do that.

**Mr. Swart:** Mr. Speaker, I said he was covering up, and to my understanding that is not unparliamentary.

**Mr. Speaker:** I suppose that does impute motives, and you should withdraw that remark,



even though it took the form of an interjection. Will you please do that?

**Mr. Martel:** What is unparliamentary about that, Mr. Speaker? I ask you.

**Mr. Speaker:** You are not the self-appointed protector of—

Interjections.

**Mr. Speaker:** Order. In order to maintain the dignity and decorum of this House, I ask the member for Welland-Thorold to please withdraw that remark.

**Mr. Swart:** Mr. Speaker, I am not admitting to an unparliamentary comment, but if the minister's feelings are hurt, I will withdraw the comment—

**Mr. Speaker:** That is all I asked you to do.

**Mr. Swart:** —that I accused him of a coverup of his negligence.

**Mr. Speaker:** Let us not make it any worse. Now a final supplementary; the member for Kent-Elgin.

**Mr. McGuigan:** Mr. Speaker—

**Mr. Martel:** Mr. Speaker, he said he was going to answer if it was withdrawn, and now he is not answering.

**Mr. Speaker:** The Speaker directs the affairs of this House, with all respect, not the Minister of Agriculture and Food. I have recognized the member for Kent-Elgin with a final supplementary.

**Mr. McGuigan:** Mr. Speaker, I was present at the public meeting where a constituent of mine, Henry Van Roboys, in front of all the others at the meeting, gave the information that he had called the chief inspector before November 9, advising him of the rumours and the suspicions and asking him to look into the situation. Then later out in the hall, the chief inspector admitted to this in front of us. So I submit there were indications before November 23.

Is the minister aware that when farmers take their grain to a mill they are in the same position as a person taking his money to the bank and depositing it? They expect when they come back that they are going to be given the cash money or a cheque. This is very similar to the situation in trust companies—

**Mr. Kerrio:** Oh, no.

**Mr. McGuigan:** It is exactly the same situation as in trust companies, where the regulatory function has failed.

Specifically, will the minister tell us about those producers who have grain in the grain

bank? In case he is not familiar with that, some producers take their grain to the mill, store it and then draw it back during the winter to feed to their poultry or animals. According to our interpretation of the two acts, the first and the second, it would appear those people are not covered by the first act and in fact would have been covered by the second act had it been proclaimed.

Can the minister confirm that for us? Again, can he tell us that no one in the farming sector—the people who took their money to the bank—are going to go home empty-handed?

**Hon. Mr. Timbrell:** Mr. Speaker, as the honourable member knows, in addition to the regulatory process, the person who takes his money to the bank has as additional security, the Canada Deposit Insurance Corp., and in the event of a default of the bank in question or of any other participating financial institution, there is a fund on which to draw to certain maximum limits against those deposits. That gets to the crux of the issue now, as it was in the spring and as it has been for some time, which is the question of a financial protection fund for grain producers for which there has been no support to date.

I am surprised that, following the meeting on Tuesday and notwithstanding the offer made by my officials on my explicit instructions to meet the very next day, if necessary, to begin to put a financial protection plan in place, we have not been approached to do so, to the best of my knowledge. The member's analogy is really not complete; it would be complete if there were a financial protection plan in place. We stand ready to meet today, tomorrow or whenever to work with the producers to put such a plan in place.

#### REAL ESTATE OFFICE CIOP

**Mr. Peterson:** Mr. Speaker, that is an incredible statement. However, I will ask a question about another regulatory failure of the minister in charge of regulatory failures, the Minister of Consumer and Commercial Relations, who is becoming the subject of a spate of books these days.

I want to ask the minister about the Real Estate Office CIOP Ltd. in Ottawa. He will be aware that some two years ago, the Quebec Securities Commission gave the Ontario Securities Commission notice that it had issued a cease-and-desist order from trading in Quebec, but nevertheless, that company came to Ontario and started to do business here.

The minister also will be aware that the only reason the Ontario Securities Commission even got on to the question at all was that the Quebec Securities Commission recently found an advertisement in the Ontario papers advising that the company was doing business in Ontario and again got in touch with the Ontario Securities Commission.

Upon investigation, the company was closed, or at least a cease-to-trade order was issued on September 6, 1983. That being said, in the meantime, while the Ontario Securities Commission had notice, there were deposits taken by way of guaranteed investment certificates from a variety of investors in Ontario.

My question to the minister is, how much money are those people going to lose as a result of the failure of the Ontario Securities Commission to move earlier on this matter?

**Hon. Mr. Elgie:** Mr. Speaker, on behalf of the other three scandalmongers in the party, I want to welcome a fourth. Is it true it is just the three or has he joined the group? Has he joined the group of scandalmongers he has assigned to that job or has he not?

As usual, the Leader of the Opposition likes to make the assumption that there has been a regulatory failure. My observations with respect to the Ontario Securities Commission over the years I have been in this Legislature are that it has the respect of this House for its activities and for the innovative way in which it approaches the problems it is facing. With respect to the specific issue asked, I must say I will have to take it as notice and report to the House.

**Mr. Peterson:** It is interesting the minister should launch this general defence in advance of knowing the facts in this matter. I would like the minister to investigate, and will he guarantee to this House he will investigate, why there was such slow reaction time and why they were allowed to continue to do business again in Ontario, taking deposits. Will he guarantee to this House that no one will lose money because of the regulatory failure in this new fiasco?

**Hon. Mr. Elgie:** I cannot acknowledge any of those statements, nor has it been my experience there has been any slowness in the activities of the securities commission. I think the honourable member and his party generally support that. I will give an undertaking to report on this issue to the House.

2:30 p.m.

**Mr. Boudria:** Mr. Speaker, the minister will be aware that there was an advertisement in the

Ottawa Citizen concerning this company as early as October 1982 in which the president of this company, Mr. Roger Tellier, was advertising his wares.

A constituent of mine, Mrs. Harriet Wickens, who invested \$5,000 in that company only found out through the newspapers that her money had been taken over by the Ontario Securities Commission. In the minister's opinion, is it normal that she would not have been written to by the OSC to inform her that her investment had been taken over, in view of the fact that this was a form of investment certificate? Surely she deserved to know from the government and the agency for which he is responsible what happened to her investment.

**Hon. Mr. Elgie:** Mr. Speaker, I can only reiterate, I will gather the information together and report to the House.

#### WOMEN'S PENSION BENEFITS

**Mr. Rae:** Mr. Speaker, my first question is to the Deputy Premier and the Minister responsible for Women's Issues. It concerns the continued plight of hundreds of thousands of older women in Ontario and the inadequacy of their pensions.

I know the minister will be aware of the report issued yesterday by the Ontario Economic Council, which singled out the problem of older single women as a very special one. The council said the problem can only be dealt with by an increase in either the guaranteed income supplement or the guaranteed annual income system benefits. The report specifically stated that there was room at the provincial level for real improvement of the Gains program with respect to single elderly people, particularly women.

More than a year ago, when we had a series of questions in this House, the member for Scarborough West (Mrs. Birch), the then Provincial Secretary for Social Development and now the parliamentary assistant to the Premier (Mr. Davis), indicated she was in favour of changes that at the very least would mean single people would receive 60 per cent of what a married couple would get.

The consensus has emerged time and time again that something has to be done directly by the provincial government for these people. I would like to ask the minister, given his responsibility for the position of women in our society, whether he is prepared now to move to provide the assistance that older single women so very much need in our province. Will he do it now and not wait for some long-stated view in the



future, for what he would no doubt call "staged progress"?

**Hon. Mr. Welch:** Mr. Speaker, I think the short answer is that I share the concern to which the honourable member has made reference and I would indicate that matter is currently under very active review. As far as I am concerned with my current responsibility, it is a matter very high on my list of priorities.

The member knows the whole question of pensions has been under review in this country for some time, and the federal parliamentary committee is expected to report before too long. It seems to me there were some references to this subject in the speech from the throne in our national capital yesterday. In summary, this matter is under very active review.

**Mr. McClellan:** It is buried in reviews and studies. That is the problem.

**Hon. Mr. Welch:** There have been a great number of studies.

**Mr. Speaker:** Never mind the interjection.

**Hon. Mr. Welch:** It is a very important matter, and it is very high on my list of priorities as I meet the responsibilities that are mine. That is where it stands at the moment. I am hoping we can be more specific with respect to action in this matter after the current review has been completed.

**Mr. Rae:** This is an unbelievable response from the minister. He knows this matter has been studied by a government advisory committee and, after the government advisory committee, by social planning councils across Ontario and by the select committee on pensions. He knows a consensus has emerged very clearly that the Gains has to be changed and enriched and that there has to be real and visible assistance now, in particular for all the single women who have really been consigned to poverty by this government; the government that claims to be their friend.

**Mr. Speaker:** Question, please.

**Mr. Rae:** I simply want to point out to the minister and ask him to comment on the fact that while the Liberal Party in Ottawa has made proposals with respect to GIS, the fact is that the old age security last year went up by \$10, the GIS last year went up by \$8—I am speaking in respect of singles—and the guaranteed annual income system for the aged has remained the same at \$48.88.

**Mr. Speaker:** Question, please.

**Mr. Rae:** When is the minister finally going to come to grips with the fact that he has been standing still while senior citizens have been falling further and further into poverty, thanks to his inactivity?

**Hon. Mr. Welch:** This government does not take a back seat to any administration anywhere in this country with respect to its concern for the welfare and the wellbeing of its elderly citizens. Indeed, we will be meeting those responsibilities.

When this question was raised, my colleague the former Provincial Secretary for Social Development enumerated the large number of programs this government has instituted for the benefit and the welfare of those people. We do not have to be lectured by the member with respect to our responsibilities.

Those people have made a tremendous contribution to the welfare and the growth of this province and they will not be neglected by any government headed by the member for Brampton (Mr. Davis). The member can rest assured of that.

**Mr. Peterson:** Mr. Speaker, I agree with the minister. He is not in the back seat; he is riding in the trunk on this whole issue. Let me tell him that. He will be aware of the recommendations of the Haley commission of this province and of the select committee of this province, all of which dealt with this issue some time ago. This is not a new issue today. Why do they always take so long to do anything?

**Hon. Mr. Welch:** Mr. Speaker, this matter will be addressed in a manner of fairness and justice to the people involved. I am quite satisfied of that.

**Mr. Rae:** That is exactly the same answer we had one year ago. The minister should look back at Hansard and see the kind of answers we got. It was exactly the same treatment: another year of delay. There has been no action with respect to Gains. When is he going to start to do something for those people who have been ignored by his government?

He should not talk about all the things he is going to promise to do. When is he actually going to do something with respect to people who even the Ontario Economic Council has finally recognized need to be given some very special assistance? When is he going to do it?

**Hon. Mr. Welch:** Simply increasing the volume of the question by way of supplementary does not take away from the very basic approach this government will meet. This matter is cur-



rent in its review and will be addressed in due course.

### NURSING HOME CARE

**Mr. Rae:** Mr. Speaker, my next question is for the Minister of Health. I know the minister will have received a letter from the international vice-president of the Service Employees International Union. It contains the contract that was signed with Medox, which is the agency supplying workers to the Ballycliffe Lodge Nursing Home in Ajax.

The minister will be aware that this is one of the nursing homes which has fired its workers who are under a collective agreement. They have been replaced by Medox. The minister will also be aware that there is a clause in the contract which states clearly that it is understood the control and direction of all health care aides and nurses' aides in the employ of Medox shall at all times be the responsibility of Medox.

The minister might also be aware that this clause in the contract is in direct contradiction to the Nursing Homes Act regulations, which provide as follows: "Every nursing home shall have a registered nurse who is designated as the director of nurses and who is responsible for, among other things"—and I am quoting from the regulations—"directing the work of the nursing staff in the nursing home."

Ballycliffe cannot have the best of both worlds, and neither can Medox. The Minister of Health has a responsibility to ensure that the act and regulations are maintained and enforced. I ask the minister what he intends to do about the clear contradiction between the contract that was signed between Ballycliffe and the contracting-out agency, and the Nursing Homes Act.

**Hon. Mr. Norton:** Mr. Speaker, if the copy of the letter the leader of the third party received included a copy of the contract, then he is one up on me. Although there was reference in the letter to the inclusion of a copy of the contract, I presume by way of error there was no such inclusion.

Late yesterday, when the letter arrived at my office, my staff immediately contacted Mr. Roscoe's office and requested that a copy of the contract be forwarded. I believe further contact was made this morning, and some time just prior to lunch a copy of the contract arrived at my office. It is now being reviewed by our legal staff. I do not have an opinion from them, nor

have I yet had an opportunity myself even to see the contract.

**2:40 p.m.**

**Mr. Rae:** I will be glad to send over the copy I have. I am sure the minister has one in the office now.

I would like to ask the minister whether Medox is responsible for the control and direction of all health care aides and nurses' aides, and if, in the words of the contract, these people shall at all times be the responsibility of Medox, does that not mean Medox is in a sense operating the nursing home? If it is operating the nursing home, should not Medox, or indeed any other subcontractor who is operating as a genuine subcontractor, be licensed as a nursing home? If they are not licensed, is the minister going to stop them from operating?

**Hon. Mr. Norton:** That is a rather convoluted question. I think I can give a very simple answer. You might not believe that, Mr. Speaker, but I will try.

I do not deal in hypothetical questions. Until such time as I have had an opportunity to read the contract and review the legislation, I do not intend to respond to the specifics of this issue, except to say that if there is any impropriety or if any nursing home is operating outside the provisions of the Nursing Homes Act, of course I will act and I will act very promptly.

**Ms. Copps:** Mr. Speaker, I wonder if the minister might care to comment on the specifics of a case I raised with him in estimates yesterday. It is specifically another contracting-out case where a hospital in southwestern Ontario fired a nurse for incompetence, and the nurse was subsequently rehired by the hospital through Comcare and is back working at the hospital under a contracting-out provision within that very hospital.

Obviously this kind of situation is going to be occurring more and more as we see both nursing homes and hospitals moving to contracting-out provisions. What kind of provisions is the minister making to ensure we do not have a nurse fired from a hospital for incompetence and rehired through a contracting agency to work back at the same hospital?

**Mr. Speaker:** With all respect, that was hardly supplementary to the same question.

**Ms. Copps:** Mr. Speaker, it deals with the issue of contracting out, and in specific terms it deals with contracting out within health institutions where you have the same people coming

back under different auspices, as we have seen in the Medox case.

**Mr. Speaker:** Yes, I am well aware of the connection. If the minister wishes to respond, he may.

**Hon. Mr. Norton:** I will only say, Mr. Speaker, that the member has asked me to respond to the specifics. One thing she has neglected to do is to give me the specifics. I was going to ask her further at the earliest opportunity during the course of the estimates for the specifics—namely the hospital; I do not need the name of the nurse—so that I can examine the matter more fully and respond to it.

**Mr. Rae:** In the minister's absence during the month that this epidemic of contracting out was taking place, we raised a number of instances where it has happened. First of all, will the minister examine every single contract between the nursing home and the subcontractor to see whether or not there is a conflict with the Nursing Homes Act and with his obligations under the Nursing Homes Act?

Second, will the minister update and upgrade his monitoring of the quality of care that is being provided in institutions where contracting out has taken place?

**Hon. Mr. Norton:** I assume the member is referring to a specific area of contracting out, that being for staffing purposes or nursing staff purposes, because I am sure he would recognize that in many institutional settings there has been contracting out for specific services for many years—for example, laundry services and that type of thing.

I do not intend to review every individual laundry contract, but if he is referring to whether or not I will be assuring that the nursing homes are operating within the provisions of the Nursing Homes Act, of course I will be doing that through my staff.

By the way, if the member wants to raise the questions that were raised during my absence, I want to assure him that I have the answers. All he has to do is give me the green light and I will start. There are two books of answers that I—

**Mr. Speaker:** I do not think the honourable member really asked that question.

**Hon. Mr. Norton:** I have been dying for the opportunity.

**Mr. Speaker:** I'll bet you have.

#### ONTARIO HOME RENEWAL PROGRAM

**Mr. Epp:** Mr. Speaker, I have a question for the Minister of Municipal Affairs and Housing

regarding the Ontario home renewal program. Last fall the government strangled its program to help low-income people rehabilitate their homes, a program that had been in effect for over eight years. According to 1981 census data, close to 170,000 Ontario homes are in need of major repairs. In response to our inquiry, close to 200 of 710 participating municipalities have indicated there is a continuing need for new OHRP money. On reflection, would the minister not agree that this program should be continued?

**Hon. Mr. Bennett:** Mr. Speaker, it is intriguing indeed, because that very same question was asked in my estimates just Wednesday morning. I answered in a very positive way and I am sure if the members wish to avail themselves of Hansard, my answer has not changed.

**Mr. Roy:** Mr. Speaker, let us see what sort of cynical little game the minister is playing now. Just this week the minister's colleague the member for Ottawa West (Mr. Baetz) tried to make a gift to the people of Stormont, Dundas and Glengarry of \$800,000. Has the minister admitted to the people of Stormont, Dundas and Glengarry that only 64 per cent of the approved amount has been forwarded by his ministry? That is \$1.76 million short of the money necessary to bring these homes up to proper standards. What kind of cynical little game is the minister playing? He plays Scrooge in the fall and Uncle Reuben comes along trying to play Santa Claus in December? Is that the game he is playing now?

**Hon. Mr. Bennett:** Mr. Speaker, it is very intriguing, because months ago we clearly indicated to this House, to the people of this province, that we had been in the Ontario home renewal program for a period of about eight years. The people of this province covered 100 per cent of the cost. It was not shared by municipal governments; it was not shared by the federal government. The \$160 million came from the Treasury of Ontario, the pockets of the taxpayers of this province, to try to advance the opportunity of improving the quality of some of the units of living in this province.

I clearly indicated that we were in a restraint period and we were looking at opportunities of other programs. I said that in my estimates the other night; I am not humbled by saying it again here this afternoon. If the member recalls, the municipalities administered it. We gave them the money and they assigned it to the individuals

of their community who they believed required it.

The speed at which money was allocated into the community was at the discretion of the municipality through the building inspectors of that municipality, who reported back to its council as to those who qualified. Every municipality that asked for funding was granted a portion of the maximum sum we could give.

If one looks at the situation in this province today—

**Mr. Roy:** You cut them off.

**Hon. Mr. Bennett:** Just a minute. The member for Ottawa East (Mr. Roy) is not here very often. He should listen the odd time when he is here.

**Mr. Foulds:** Scandalmonger.

**Mr. Roy:** Mr. Speaker, that was an unfair comment. It smacks of scandalmongering.

**Hon. Mr. Bennett:** I would only say that if the member for Ottawa East wanted to take a little bit of time in checking a few of the records, he would find there is a fair number of municipalities of this province that still have within their treasury moneys that can be put out for the home renewal program in their communities.

An accumulation of about \$26 million currently remains with the municipalities of this province. That fund is also, if the member will recall, a circulating fund. The money was prepaid to the municipality, none of it to be returned to the province. It is entirely at the municipality level for reassignment to new needy cases in the community.

2:20 p.m.

#### ELEVATOR MALFUNCTION

**Mr. Sargent:** Mr. Speaker, for the last five minutes there have been 30 to 40 Liberals locked in an elevator between floors.

[Applause]

**Mr. Sargent:** It is funny but it could be dangerous.

[Later]

**Mr. R. F. Johnston:** Mr. Speaker, I wonder if you could give us an update on what has happened to those Liberals who have been stuck in the elevator between floors for the last 30 to 40 years.

**Mr. Speaker:** Order, please. The member for Huron-Bruce has the answer apparently.

**Mr. Elston:** Mr. Speaker, I realize the member for Scarborough West (Mr. R. F. Johnston) may not have meant to make light of it, but a

group of people from my riding were trapped in that elevator for some 20 minutes. It was a very serious situation.

I was going to rise on a point of privilege in any event to express my thanks to the staff here in the Legislative Building for getting them out of there. It was much more serious than some members obviously think it was. There is some difficulty with some people who do not like to ride in elevators at the very least. I do want to express my sincere thanks for the prompt attention the staff here provided in getting the people out of that very difficult situation.

**Mr. R. F. Johnston:** I just want to make it clear I was not at all sure the first announcement that was made was not a joke. I want to apologize for making light of a serious situation.

**Mr. Speaker:** Thank you.

#### INJURY TO HOSPITAL PATIENT

**Mr. Cooke:** Mr. Speaker, I have a question for the Minister of Health. I believe the minister is aware of an incident that occurred at the Metropolitan General Hospital a week ago in Windsor whereby an individual in an active treatment bed, who was restrained I believe without doctor's orders, got over in a wheelchair to a dresser and set himself on fire. He is now listed in critical condition in hospital.

Is the minister aware of this incident and is the ministry conducting an investigation? My information from the hospital is that the ministry was advised but is not conducting an investigation.

**Hon. Mr. Norton:** Mr. Speaker, first of all, yes, I am aware of the incident to which the honourable member refers. There is not at the moment any investigation being conducted by the ministry but there is an investigation under way. I expect to receive the report next week. I think the date on which it is to be submitted is December 13. I would reserve any decision as to whether there is any justification for further examination by the ministry until such time as I have received that report.

**Mr. Cooke:** Will the minister make sure that in that investigation or report, two matters are addressed? One is whether or not the restraint that was put on this patient was in fact used with doctor's orders. Second, could the minister also report as to whether one of the reasons restraints were being used in this specific case was because of the lack of funding of hospitals and the lack of staff, and therefore restraints are more com-



monly used in hospitals now and this case is one of the examples?

**Hon. Mr. Norton:** I can deal with the latter part of that question right now. As to the staffing levels, I would assure the member that in this instance the patient was in a 36-person unit in the hospital with a full staff complement of a head nurse, four registered nurses, three registered nursing assistants and a ward clerk.

Further, my understanding is that the incident did occur during a lunch period. However, during that time, while I presume normal services would not be being provided, there were still five staff on duty in the unit including the head nurse. I do not think one could suggest that short staffing or underfunding were in any way a factor in the occurrence of this incident.

With respect to the other matter, I will respond fully later.

### TRUCK LEASING

**Mr. Barlow:** Mr. Speaker, I have a question for the Minister of Transportation and Communications. It relates to his statement last Friday and the introduction of legislation regarding the rewriting of the Public Commercial Vehicles Act in Ontario.

There are currently two kinds of for-hire trucking being carried out in Ontario. One is the operator conducting a trucking business under a PCV licence issued by the ministry and the other is the operator who conducts his trucking business by way of leasing equipment to a shipper for the purpose of moving the goods.

Also, there are two kinds of leasing operations being conducted. One is the operator who quite legitimately will lease a truck or trucks to a shipper exclusively for the purpose of moving that particular shipper's goods. The other is the operator carrying on a regular highway carrier business by having one company set up to lease trucks to a shipper and a second company set up under a different name to operate a driver pool, leasing equipment at random to various shippers solely for the purpose of circumventing the PCV Act and in direct competition with the properly licensed carrier.

**Mr. Speaker:** Question, please.

**Mr. Barlow:** Will the minister, through this rewrite period, instruct his enforcement branch to clamp down and enforce both the letter and the spirit of the PCV Act as it relates to leasing?

**Hon. Mr. Snow:** Yes, Mr. Speaker. One of the recommendations of the PCV review committee and the implementation committee that are

working on the drawing of the blueprint for the new PCV Act is that the ministry will continue, to the best of its ability and within its means, to enforce the present act fully until the new act is ready to be implemented.

**Mr. Barlow:** During this period, can the minister assure me that when these illegal lease operators apply for a proper licence before, during or after the rewrite period, that any conviction, as well as past operating practices, will be taken into consideration and it will not be used as a forum for legalizing what these people have been doing in the past?

**Hon. Mr. Snow:** When an application comes before the board, I believe normally the previous operating record of the operator is quite often brought to the attention of the board members. Under the new act, the intention is that anyone who operates illegal or unsafe vehicles will be dealt with very harshly.

### HIGHWAY SIGNAGE

**Mr. Ruston:** Mr. Speaker, I have a question of the Minister of Transportation and Communications with regard to highway signs. With the construction of many highway bypasses over the past number of years, and the problem motorists sometimes have in locating small towns and villages due to very small finger signs, does the minister have any plans to update the criteria for designating such areas with signs that would be large enough to read while driving at 80 kilometres an hour?

**Hon. Mr. Snow:** Mr. Speaker, I thought we had discussed and answered that question during my estimates. However, if we did not do that fully, I would have to say to the member I understand the problem that is created sometimes where there are bypasses of communities. They are signed at present, but I understand the concern as to the size of the signs. I have instructed my staff to review this matter and bring it forward in one of our ministry policy meetings, which may be done as early as next Monday, although I am not sure of that.

### RADIATION STANDARDS

**Mr. Wildman:** Mr. Speaker, I have a question of the Minister of Labour. Could the minister explain why his ministry is accepting changes in the radiation exposure regulations proposed by the Atomic Energy Control Board which will mean increases in exposure limits for individual internal organs? These proposals have not been accepted by any other regulatory agency any-

where in the world. Does the minister agree this will mean that the overall external whole body radiation exposure limit will be increased?

**Hon. Mr. Ramsay:** Mr. Speaker, it is not my understanding that we have accepted anything at all. It is my understanding that our radiation services branch is looking at these proposals that have been brought forward by the federal authorities.

**Mr. Wildman:** If that is the case, can the minister assure us that instead of going towards increasing whole-body exposure, his ministry will be moving in the opposite direction, that is lowering the whole-body exposure limit from five rems a year to one or perhaps 1.5 rems per year, since this can be reached?

The average exposures in the nuclear industry in this province are less than 1.5 rems per year and in the United Kingdom, by collective agreement in the nuclear industry, the standard that has been achieved is one rem per year. Why can our workers in Ontario not have the same protection as workers in the nuclear industry in the UK?

**Hon. Mr. Ramsay:** It would be premature for me to make any assurances at this time until I have heard the recommendations of our radiation experts who are reviewing the matter at this very moment.

3 p.m.

**Mr. Mancini:** Mr. Speaker, I am quite concerned by the minister's answer. I believe we should be assured by the Minister of Labour that we will be moving in a progressive direction to protect workers' health and safety. We should not have an answer that says he may consider making this very sensitive area and very sensitive issue one that could put workers in more jeopardy and more danger than they are in at present. I think the minister should explain to the House that he will not accept recommendations which will put workers in more jeopardy and more danger.

**Mr. Speaker:** Perhaps you could ask him that question.

**Mr. Mancini:** Will he not?

**Mr. Speaker:** He will, indeed.

**Hon. Mr. Ramsay:** Mr. Speaker, that question does not have to be asked. I am not going to put the workers of this province in any danger whatsoever; I can assure the member of that. But I just do not want to make any premature statements in this House before I have all the

scientific facts at my disposal, and I simply do not have them at this time.

## EQUAL PAY FOR WORK OF EQUAL VALUE

**Mr. Wrye:** Mr. Speaker, my question is to the Minister responsible for Women's Issues. We had an opportunity to discuss this somewhat yesterday and I would like to continue it today.

The minister is aware of the 1982-83 annual report of the women crown employees office, and he will be aware that while it is true that in the last year the wage gap in the public service narrowed, 71 per cent of the women in the public service of Ontario remain below \$21,000 and 75 per cent of the males are over \$21,000.

He will further be aware that a large reason for these wide disparities is that the female job ghetto still exists and really very little progress is being made. The number of women in traditional jobs such as institutional care services, clerical services and office services has remained high and is not moving—in fact, in a couple of cases it actually went up—and at the bottom end of the scale the number of women in nontraditional jobs in maintenance services, law enforcement services, correctional services and technical services remains low and is not moving up.

Given those very disappointing statistics in the various modules that are outlined in the report, what is the minister doing to review the affirmative action program and to make sure we do make some progress to end the job ghettos in this province?

**Hon. Mr. Welch:** Mr. Speaker, I suppose in taking a report and reading it one can be somewhat selective in the facts and figures that one would concentrate on. I think when one takes a look at that report, it is very positive. In comparison with the private sector, I think the member opposite and I as members of this Legislature should be pleased with the progress that has been made. We should not be satisfied, because there is still more work to be done, but we have taken significant steps in closing the wage gap in that year alone in that report.

I think affirmative action has proven itself. We can give a lot of credit to the work that has been done in all the ministries by reason of affirmative action, and to those who have taken advantage of the affirmative action incentive fund and the training programs that are under way. What is reflected in that report is reflected in the community generally, namely, the need to encourage the movement of women into non-



traditional jobs and their preparation for these other jobs with higher compensation.

I would say, in summary, that this report, which was tabled the day before yesterday, shows some significant progress. I pay tribute to the affirmative action managers, the deputy ministers and all who have provided leadership in all the ministries of government for that. I do not doubt, and I am not hiding the fact, that there is more to be done, but I feel quite confident we will make even further progress.

**Mr. Wrye:** While I would agree with the minister that some minor numerical progress has been made, I might note that the wage gap remains pretty wide in the minister's old portfolio in the Ministry of Energy. I hope his successor will do a little better than he did.

During the estimates of the ministry yesterday the minister indicated in an answer to a question I asked that he, and, I believe, the Minister of Labour, are taking a look at the prospect of having a pilot project in full equal pay for work of equal value here in the public service because of the fact that those job ghetto problems do not appear to be breaking down. As I said yesterday, I am prepared to take from this government any small piece—

**Mr. Speaker:** Question, please.

**Mr. Wrye:**—if we can get off dead centre on equal value legislation. I want to ask the minister more specifically at what stage is the review of the situation. When can we expect some positive results and a pilot project right here at Queen's Park?

**Hon. Mr. Welch:** They are at a preliminary stage at the moment. The legislation my colleague introduced on Monday is some development with respect to the whole area of equal pay. The honourable member will know that he and his colleague the member for Hamilton Centre (Ms. Copps), who proposed the resolution, and others, have been honest and fair to point out that is not the only way we are going to address this question of the wage gap. It is an important way. The occupational desegregation emphasis is essential and will bring significant results.

The member made reference at some length to my former ministry, the Ministry of Energy. He does not point out to the members of this House that for the last four years there has been a decrease in the wage gap in that ministry of 13 per cent. The members of this House would want this information. They would want to commend the former Minister of Energy. That

is significant. He should show me another ministry that has that type of record. In the Ministry of Energy, the average—

**Ms. Copps:** You have the widest way to go.

**Hon. Mr. Welch:** That is all right. The honourable member, in her eminent fairness, knows that ministry is made up of a lot of technical people with respect to engineering background. There have not been that many women who have sought their career opportunities there. Therefore, there are some restrictions as to the availability of that human resource. Nevertheless, the average wage paid to women in that ministry is nearly \$1,500 more than the average across the government. The improvement in reducing the gap is 13 per cent. I think it is time we revive that old song, Accentuate the Positive, and think positively on behalf of the women of this province.

**Ms. Bryden:** Mr. Speaker, the 1982-83 report from the women crown employees office still lists a great many ministries where women are underrepresented in regard to the number of positions in the ministry. There are also many occupations in which there are no women, such as veterinary surgeons. Women are badly represented in legal services.

Yet the government's affirmative action target is only 30 per cent representation of women by the year 2000, 17 years hence. Will the minister tell us whether he is following the proposals of the public accounts committee that he reduce that target even further or abandon it, or will he consider raising it so the target is representation equivalent to approximately 50 per cent of women in the total public service?

**Hon. Mr. Welch:** Mr. Speaker, I am not contemplating any reduction of these various targets. The honourable member will realize from consideration of the estimates yesterday that in some of the modules we have already reached the target and are exceeding it. There is no question—let there be no mistake about it—but that there is a lot of work to be done in some of the other areas.

I invite my honourable friend or any member of this House to find any government in this half of North America that can equal the record of the government in this province in the whole area of affirmative action. It is a record we should be proud of and work to improve on.

#### WORKERS' SHIFT SCHEDULE

**Mr. Martel:** I have a question for the Minister of Labour arising from his statement earlier this



week. Let me quote a portion of it: "When the employment standards regulation for domestics was introduced in 1981, one of the provisions applying to live-in workers was a duty-free period of 36 consecutive hours each week. This standard was in keeping with the prevailing practice . . . However, it now appears more common to allow two days' free time per week."

**3:10 p.m.**

Will the minister now move against the seven-shift schedule for workers in other fields where workers can work for 10 consecutive days without a day off? Will he introduce legislation in this session to eliminate that practice?

**Hon. Mr. Ramsay:** Mr. Speaker, the answer is no.

**Mr. Martel:** Mr. Speaker, since the minister's own studies indicate shift workers suffer longer, more debilitating illnesses than those on regular shifts and since the schedules as they now exist are in reverse, as they should not be, can the minister indicate why he, as minister responsible for the health of workers in Ontario, is not prepared to eliminate those things, from whose result his own studies indicate workers suffer?

**Hon. Mr. Ramsay:** Mr. Speaker, the honourable member asked me if I was going to introduce legislation this session and I said no. As I told him when he brought this matter up in the Legislature a week ago, we are taking a close look at and making a study of the matter. I cannot, in all honesty, tell him what way we will turn or what direction we will take, but the matter is under very active review. Nothing has changed since the question was asked a week ago.

#### QUEBEC LANGUAGE LEGISLATION

**Mr. Roy:** Mr. Speaker, I had a question for the Minister of Intergovernmental Affairs (Mr. Wells). I do not know if he is behind the dais. If he is not in, I am going to ask the question of the Minister of Education (Miss Stephenson).

**Mr. Sweeney:** Here he comes.

**Mr. Speaker:** Proceed with your question, please.

**Mr. Roy:** Thank you, Mr. Speaker.

The minister is aware that the government of Quebec is at present in the process of amending Bill 101. In fact, certain of the minister's comments about the possible amendments have been quoted in the press. Would the minister advise us what representation he has made to the minister and to the government of Quebec

about allowing parents of children who are transferred from Ontario to Quebec to send their children to English-language schools? Probably the largest number of anglophones being transferred are coming from Ontario.

What representation has the minister made on behalf of those parents to allow their children to attend English-language schools? This would require some amendment to Bill 101, an amendment which the minister seems reluctant to make at the present time vis-à-vis Ontario. Could the minister advise us of the steps he is going to take to make representation on behalf of the people of Ontario concerning those amendments to Bill 101?

**Hon. Mr. Wells:** First of all, Mr. Speaker, I think my friend is a little confused about this. The Quebec government has proposed amendments to Bill 101 to allow children of anglophones living in Ontario to go to English-language schools in Quebec if they move there, something which they cannot now do on an unhindered basis. The Quebec government has said it will do that in its bill if it is satisfied that, in its view, the system of education for francophones coming from Quebec to Ontario is equivalent to what anglophones in Quebec receive.

The representations I have made are that we do have a system that is equal in Ontario. We have a system that is equal and, therefore, if Quebec will pass its bill, which it has not done now, it should immediately declare that arrangement. I do not personally think it is the kind of thing that should be decided unilaterally by provinces through bills and arrangements and so forth.

It was for that very reason we would not sign a bilateral agreement with the province of Quebec; rather, we worked for an amendment to the Constitution of Canada that would guarantee anglophone students could go to the English schools in Quebec. As my friend knows, a court case is at present before the Supreme Court of Canada. It may find the government of Quebec does not, under the Constitution, have the right to keep children from Ontario who are anglophones from going to the English-language schools.

I believe the children of people from this province who are anglophones should be able to go to those schools. We provide an equal system in Ontario for francophones from Quebec to get an education in the French language in this province.

## DAY CARE CENTRE AT QUEEN'S PARK

**Ms. Copps:** Mr. Speaker, on a point of privilege: Perhaps it missed the Speaker's attention in the discussion, but as we were discussing the issue of equal pay and affirmative action, I interjected to the Minister responsible for Women's Issues (Mr. Welch), asking him when we would be getting a day care centre at Queen's Park. One of the members on the government side of the House responded in an interjection that they would do so when I got pregnant. The minister might not have heard that, but I wonder if he would clarify that the policy of the government on day care is not related to the fertility of any of the members on any side of the House.

**Mr. Speaker:** That is hardly a point of privilege.

**Hon. Mr. Welch:** Mr. Speaker, let the record be very clear that I did not make any such comments.

**Ms. Copps:** I did not say that. I said one of the other members on the government side of the House did.

[Later]

**Hon. G. W. Taylor:** Mr. Speaker, I do not want to interrupt the honourable member in his discussion of the matter, but if he would allow me the floor on a point of privilege, it concerns an exchange this afternoon between myself and my good friend the member for Hamilton Centre (Ms. Copps) at the end of question period. I understand the member misunderstood my comments, for which I apologize. I take this opportunity to withdraw those comments.

**Mr. Robinson:** Mr. Speaker, on a point of order: Further to that point, I hope the 30 or so seconds taken off the honourable member's time will be added, with your consideration.

**The Acting Speaker:** We will do our best.

## PETITIONS

## COMMERCIAL FISHING

**Mr. Haggerty:** Mr. Speaker, I have a petition which reads as follows:

"To the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario:

"We, the undersigned petitioners, beg leave to petition the parliament of Ontario as follows:

"That more selective control methods of commercial fishing must be put into use so that the fish population can regenerate and eventually produce quality recreational fishing in Lake Erie."

The petition, conducted by the Port Colborne and District Conservation Authority, has 1,240 signatures.

## LENGTH OF SENTENCE

**Mr. Boudria:** Mr. Speaker, I have a petition further to the one I introduced last week in the Legislature addressed to the Lieutenant Governor in Council and the Legislative Assembly. This petition is protesting the two-year sentence given to Jean Dionne, who will most likely be paroled and be back on the street in eight months.

"We, the undersigned, feel that the sentence given was much too lenient considering the circumstances surrounding the drowning death of two-year-old Jason Verdon. There are laws to protect children but no justice. Now the law protects Dionne."

## REPORTS

STANDING COMMITTEE ON  
GENERAL GOVERNMENT

Mr. McLean from the standing committee on general government reported the following resolution:

That supply in the following amounts and to defray the expenses of the Ministry of Labour be granted to Her Majesty for the fiscal year ending March 31, 1984:

Ministry administration program, \$12,546,500; industrial relations program, \$5,570,000; women's program, \$1,351,000; occupational health and safety program, \$33,661,500; employment standards program, \$5,971,000; manpower commission program, \$1,887,000; human rights commission program, \$4,783,000; labour relations board program, \$4,225,000.

STANDING COMMITTEE ON  
REGULATIONS AND OTHER  
STATUTORY INSTRUMENTS

3:20 p.m.

Mr. Kerr from the standing committee on regulations and other statutory instruments presented the following report and moved its adoption:

Your committee begs to report the following bills without amendment:

Bill Pr13, An Act to incorporate Heritage Windsor.

Bill Pr 43, An Act respecting Ottawa Civic Hospital.

Bill Pr50, An Act respecting the Town of Harrow;

Bill Pr54, An Act respecting the Hungarian Canadian Cultural Centre (Hungarian House);

Bill Pr56, An Act respecting the Alex Manoogian Cultural Centre.

Your committee begs to report the following bill, with a certain amendment:

Bill Pr48, An Act respecting the City of Sault Ste. Marie.

Your committee would recommend that the fees, less the actual cost of printing, be remitted on Pr13, An Act to incorporate Heritage Windsor; Bill Pr54, An Act respecting the Hungarian Canadian Cultural Centre (Hungarian House); and Bill Pr56, An Act respecting the Alex Manoogian Cultural Centre.

Motion agreed to.

## MOTIONS

### HOUSE SITTINGS

Hon. Mr. Wells moved that notwithstanding any previous order of the House, the House will sit in the chamber on Wednesday, December 14, at 10 a.m., rise for the luncheon interval at 1 p.m., resume at 2 p.m. and sit until 6 p.m., routine proceedings to be held at 2 p.m. On Thursday, December 15, the House will again sit at 10 a.m., with the luncheon interval from 1 p.m. to 2 p.m.; with the usual dinner interval from 6 p.m. to 8 p.m., and the usual adjournment at 10:30 p.m., routine proceedings to be at 2 p.m.

**Hon. Mr. Wells:** Mr. Speaker, what this means is that for next week, we will be sitting Monday afternoon and Monday evening, Tuesday afternoon and Tuesday evening, Wednesday morning and Wednesday afternoon, Thursday morning, Thursday afternoon and Thursday evening, and Friday until business is concluded.

I might also add that the motion standing on the order paper in the name of Mr. Rae, a want of confidence motion, will be considered on Wednesday afternoon, with the vote to occur just before six o'clock on Wednesday.

Motion agreed to.

### BUSINESS OF THE HOUSE

Hon. Mr. Wells moved that notwithstanding standing order 64, private members' public business will not be taken up next Thursday, December 15, and that the 30-minute limitation imposed on ministerial statements by standing order 64(k) be suspended.

Motion agreed to.

## INTRODUCTION OF BILLS

### ARBOREAL EMBLEM ACT

Hon. Mr. Pope moved, seconded by Hon. Mr. Bennett, first reading of Bill 143, the Arboreal Emblem Act.

Motion agreed to.

### RETAIL SALES TAX AMENDMENT ACT

Hon. Mr. Gregory moved, seconded by Hon. Mr. Bennett, first reading of Bill 144, An act to amend the Retail Sales Tax Act.

Motion agreed to.

**Hon. Mr. Gregory:** Mr. Speaker, on October 17, 1983, my colleague the Treasurer (Mr. Grossman) advised the House that in order to realize the full success of the recent temporary sales tax holiday for furniture and appliances, he was extending the existing delivery deadline to December 31, 1983. This bill fulfils that commitment.

### PLANNING AMENDMENT ACT

Hon. Mr. Bennett moved, seconded by Hon. Mr. Pope, first reading of Bill 145, An Act to amend the Planning Act, 1983.

Motion agreed to.

### PUBLIC UTILITIES AMENDMENT ACT

Hon. Mr. Bennett moved, seconded by Hon. Mr. Eaton, first reading of Bill 146, An Act to amend the Public Utilities Act.

Motion agreed to.

### BUILDING CODE AMENDMENT ACT

Hon. Mr. Bennett moved, seconded by Hon. Mr. Pope, first reading of Bill 147, An Act to amend the Building Code Act.

Motion agreed to.

### TEACHERS' SUPERANNUATION ACT

Hon. Miss Stephenson moved, seconded by Hon. Mr. Bernier, first reading of Bill 148, An Act to revise the Teachers' Superannuation Act.

Motion agreed to.

**Hon. Miss Stephenson:** Mr. Speaker, the major changes to the act have come about as a result of the deliberations of the Joint Committee on Teacher Superannuation, which was established by the Premier (Mr. Davis) in 1980. That committee was composed of government



representatives and representatives of the teachers' federations of Ontario.

The committee held 23 formal meetings and numerous informal meetings over an 18-month period. More than 80 individual issues were identified and discussed, and the final report indicated agreement on 29 major amendments together with a number of minor amendments. All the changes are consistent with the government's thrust on pension reform.

The proposals are many and varied and of great importance to the teaching profession of this province. In my opinion, they should go a very long way to offsetting many problems, including the impact of declining enrolment, and offer boards and teachers more flexibility in their decision-making. At the same time, the changes provide for a sounder financial basis for the plan, will assist in making the processes more efficient and effective and will eliminate a number of small inequities that have crept into the procedures.

**3:30 p.m.**

It is proposed that the bill will become effective on September 1, 1984. However, in fairness to those teachers who have retired on the understanding that changes would be enacted, it is proposed that eligibility for a number of the benefit changes be extended to those teachers who retired subsequent to May 31, 1982. Allowances in respect of this eligibility will be adjusted on September 1, 1984, and no retroactive payments will be made.

## ORDERS OF THE DAY

### APPOINTMENT OF OMBUDSMAN

Hon. Mr. Wells moved, on behalf of Hon. Mr. Davis, seconded by Mr. Peterson and Mr. Rae, that a humble address be presented to the Honourable the Lieutenant Governor in Council as follows:

"To the Honourable the Lieutenant Governor in Council: We, Her Majesty's most dutiful and loyal subjects, the Legislative Assembly of the province of Ontario, now assembled, request the appointment of Daniel Grafton Hill as Ombudsman for the province of Ontario, as provided in section 3 of the Ombudsman Act, RSO 1980, chapter 325, to hold office under the terms and conditions of the said act."

And that the address be engrossed and presented to the Lieutenant Governor in Council by Mr. Speaker.

Motion agreed to.

## PRIVATE MEMBERS' PUBLIC BUSINESS

### TILE DRAINAGE

Mr. Ruston moved, seconded by Mr. Mancini, resolution 29:

That in the opinion of this House, the government through the Ministry of Agriculture and Food should immediately allocate sufficient resources to meet all the needs of Ontario farmers for tile drainage loans and that the maximum loan assistance be increased to cover 75 per cent of the cost of the drainage work as provided for by the legislation.

**Mr. Speaker:** Before you proceed, I would like to remind you that you have up to 20 minutes for your presentation. You may reserve any portion of that time you see fit for your windup.

**Mr. Ruston:** Mr. Speaker, I intend to leave six or eight minutes at the end, if I can guide myself that way.

The resolution today is similar to one we had in this Legislature only two and a half years ago. It was put forward by the member for Wellington-Dufferin-Peel (Mr. J. M. Johnson). It was dated May 28, 1981. However, mine is a little different.

Tile drainage throughout Ontario is one of the most important parts of good farming. The principle of the Tile Drainage Act, as it is now operated by the province, in my opinion is one of the better parts of farm assistance. However, the government has not really committed itself completely to it, and that is why we are debating this subject today.

The previous resolution from the member for Wellington-Dufferin-Peel really left out the part with regard to the 60 per cent. The government lowered it to 60 per cent a few years ago. I am requesting that we put it back to 75 per cent.

In the remarks I made that day during the debate, I spoke a little about the history of how farmers started trying to tile their farms before there was much modern machinery. I do not intend to repeat those items, although I think they are important to any young farmer or anyone such as that. They can be found in Hansard, May 28, 1981, on page 1065.

Coming from a flat county such as Essex county, one realizes the necessity of good drainage for our land. I am interested in the subject, having been raised on a farm. I can recall when I was a young lad, about 10 years old, seeing the tile machines going up and down the fields, putting in the tile, and a person walking along behind doing it by hand using a handle with metal at the bottom to put the tile in

place. As the machine went along, you walked behind it and put the tile in place. In 1929 and 1930 there was not even an automatic way to put the dirt back in the ground and you had to use horses and tractors and fill it in. It was very hard work at that time.

With modern machinery, it is done very easily. I can recall on our own farm, when we had 100 acres tiled, it took two weeks with two machines. Now that would be done in a matter of days with one machine. In most places, they now use plastic tile drainage that comes in rolls. It is very light and easy to handle.

In that 1981 debate on the resolution of the member for Wellington-Dufferin-Peel—I was looking it over a few days ago—a former member for whom I had a great respect, Mr. Villeneuve, spoke on the matter. His speech appears on page 1064 of Hansard for May 28, 1981. Mr. Villeneuve was here when I came here in 1967. I had breakfast with him many times and many visits, and we discussed some of the same problems we both had. Part of his country was quite flat and poorly drained. Another time we had a lot of problems with the milk quotas and so on. At times in committees back in the late 1960s we assisted one another with some of our problems.

I would like to quote some of Mr. Villeneuve's remarks when he spoke on the resolution.

"First of all, the farmers in my constituency alone have invested over \$20 million in open ditch drainage, but those who have tiled showed beyond any doubt, even in those wet years, that if they had a crop they could harvest, whereas the others were an absolute failure.

"I have to agree with my colleagues on the other side that there is not sufficient money being placed in tile drainage. This is not a handout, it is an accommodation that will help people help themselves." This money is only lent to the farmers; it is not given to them. It is not an outright grant such as we have in many other cases.

True, the interest rates are subsidized. The interest rate now is eight per cent, so, although it is subsidized, the subsidy is not that great. The money is flowing back in. The Minister of Agriculture and Food (Mr. Timbrell) will get up when the budget comes down and say \$25 million or \$30 million is allocated to tile drainage, but really it is more like \$7 million or \$8 million at the most, because that money is coming back in and the subsidy on the interest is the only part the government is actually paying out.

There was another point the late Mr. Villeneuve mentioned. I quote:

"Twenty years ago we had problems growing anything in eastern Ontario except forage corn for silage, but a new species came out which took a shorter period of time to mature, and the result today is we have many grain-growing producers. Of recent years there has been a new species of soybean that takes a shorter period of time to mature."

I read an article this week from the Ministry of Agriculture and Food's office which said they have now found a new soybean, through tests and so forth, that will grow in areas with heat units from 2,600 to 2,800. The member for Middlesex (Mr. Eaton) is well aware that the heat units in Essex and Kent counties run up to 3,100. The member for Essex South (Mr. Mancini) probably has the highest heat units of any place in Ontario. Of course, we can grow a longer-growing soybean seed. The interesting part of the new one that has just come out is that it is called the bicentennial soybean seed and it will be used in some areas.

**3:40 p.m.**

I want to quote a little farther down with regard to the problems, not in Essex county—I will come to them in a minute—but in eastern Ontario, about which the late Mr. Villeneuve said "there are almost \$700,000 in applications" from people who required tile drainage in eastern Ontario. That was two and a half years ago, so you can see, Mr. Speaker, it is a real problem.

In Essex county some of the smaller municipalities are not faring too badly this year because they received allotments from other places that were not using them. But large townships, such as the township of Mersea which is the largest township in Essex county, are having a real problem. That point was raised not too long ago by the member for Welland-Thorold (Mr. Swart) because he had been at a meeting down in that area.

I have discussed this matter with the member for Essex South. Another problem the township of Mersea has is that the government allocates this money on a yearly basis. In the previous year, if there was a lot of rainfall and the farmers could not get their tile in, then they did not use the money. The government should go on the basis of the previous three years. I know it cannot do that in a municipality that has not been involved in tile drainage very much, but in an area like Essex county, with the average it has had over the past three years, I think there

would be a lot fewer problems and the farmers would be able to go ahead and get their tile in.

The township of Maidstone, another large township of which I had the honour of being reeve for six years, is the second largest township in the county of Essex. It is having a very difficult time because it is being compared with the smaller townships. Tilbury West township, the smallest township in Essex county, has its allocation for this year. It seems the government is not giving enough leeway to the larger townships so that they can handle and plan their work.

Another thing I noticed this year is that some farmers who do have the capital to go ahead and put in their tile drainage go to the township and are told it does not have enough money this year and they will have to wait until next year, so they go ahead and put the tile drainage in themselves. I know of one farmer across the road from me who was able to finance the tile drainage himself. Now farmers like him are receiving word from the township that it has the money and they can have it right away. If those farmers could not have financed themselves, they would not have got the tile drainage and would have had to wait until next year.

There needs to be a real commitment from the minister, in my opinion, to set this money up so that he catches up on the back applications. The government always seems to run short when there is a necessity. We have had a lot of rain in Essex county this year so the farmers want to put in more tile drainage, but with so much rain it is sometimes difficult to get it in.

When I went home on Friday last week I noticed that from Monday to Friday about 50 acres had been tiled on a certain part of land that apparently was not too wet. That is quite late to be tiling though. I heard a comment that the money would be available for January and February. I do not think anybody will be tiling in Essex or Kent counties, or in any part of Ontario, in January or February if we get the same kind of weather we have had in other years.

I would like to quote what the Ontario Federation of Agriculture representatives said when they went before cabinet.

"We are on record as being concerned with the level of provincial support for the vital agricultural development program. Once again, provincial funding for tile drainage loans is being limited to 60 per cent of the cost of installation. It must be recognized that the money the farmer must raise is generally at a

much higher interest rate than that payable on a government loan.

"We strongly urge that your government take action to ensure the viability of the provincial tile drainage program. Specifically, the government should ensure that the tile drainage program is funded at a level that will cover 75 per cent of the cost of the tile installation as provided for by the legislation."

Mr. Speaker, I think I will reserve the rest of my time for later. There may be some questions I can answer from some of the members who will speak in the meantime.

**Mr. Swart:** Mr. Speaker, I am pleased to take part in this debate and say immediately I support the resolution unequivocally and I suspect all members of this caucus will do the same thing. It is simple, straightforward, meets a need and, unlike the announcement made in the House a week and a half ago by the Minister of Agriculture and Food, I do not think this is purely partisan.

The statement made by the minister was very unusual. It was unusual that he announced only \$77,000 for Stormont, Dundas and Glengarry county. He must think he can buy it cheap. Second, he never makes those kinds of statements when changes are made in other years in other municipalities. It is strange that just this year a statement would be made on this when the amount was increased slightly for eastern Ontario.

The Minister of Agriculture and Food is treating tile drainage as he is treating all other farm problems: great on rhetoric, short on substance. The situation is the same as in the Ontario farm adjustment assistance program or in the preservation of prime food lands. He says one thing and does another. More and more farmers are saying to me as I go around this province that the minister's actions speak so loudly they cannot hear what he says any more.

I am not sure a Liberal government in power in Ontario would fully implement this resolution. The example of the Liberals in Ottawa is not very reassuring. The amount of money the government has given to the Farm Credit Corp. in Ottawa is not enough to meet farm needs. It has been two, three or four years that Eugene Whelan has taken even to get around to any kind of a red meat program. This does not create a great deal of confidence among the farmers of Ontario that a Liberal government would do any better. However, the member for Essex North (Mr. Ruston) is totally sincere in the introduction of this resolution.



Let me demonstrate how insincere the minister is in this matter. First, he is not even here today to hear the debate. It would seem that on an important issue such as this, one which he has said is so important, he would have been here. In his estimates last June he said one of the single most important programs of his ministry is the tile drainage program, which is responsible both for improving the productivity of farm land and putting more land into agricultural production.

Let us take a look and see how he has carried that out. He has gone further than that on other occasions in lauding the use of tile drainage in his government's program. He says it increases productivity substantially and that from the additional production, the return on investment is seven to eight times the investment in tile drainage.

The New Democratic Party agricultural task force was in Timiskaming about a month ago. We talked to a farmer there who said his crops in one flat field increased in volume by three times after he had installed the tile drainage. We agree with the minister that it is a great thing. Everywhere our task force went we heard of the need for and value of tile drainage to the farmers.

Instead of promoting and encouraging more construction, the minister has taken steps which are reducing the amount of installation of tile drainage. First, it has been reduced because the municipal loans were cut a year and a half ago from 75 per cent to 60 per cent. Instead of having to find only 25 per cent of the necessary financing on his own, the farmer now has to find 40 per cent on his own. He had to go out and borrow this money when many of the farmers in Ontario had their credit extended to the limit.

**Mr. Wildman:** And interest rates were sky-high.

**Mr. Swart:** And interest rates were sky-high. When they needed it, he took it away from them. That is what the minister did.

3:50 p.m.

As the member for Essex North has stated, far from increasing the net amount being put into tile drainage, the government of the province has been reducing it. I have the budget figures for tile drainage. It was \$26 million in 1980-81, \$25 million in 1981-82, \$30 million in 1982-83 and \$30 million in 1983-84. But the actual amount of debt expenditure was \$26.2 million in 1981, \$28.5 million in 1981-82 and \$29.2 million in 1982-83. In 1983-84 it is going to drop down to

\$26 million, according to the government's own figures in its financial statements.

That is only part of the picture. The repayments on these debts have increased substantially each year. In 1980-81 it was \$12 million, in 1981-82 it was \$13 million, in 1982-83 \$15 million came back into the Treasury, and in 1983-84 they estimate \$17 million will come back into the Treasury.

If we deduct that, the net amount going into tile drainage in 1980-81 was \$14 million, in 1981-82 it was \$15.3 million, in 1982-83 it dropped back down to \$14.2 million, and this year the net amount of money being put into tile drainage will be down to \$11 million. That is the lowest amount of money in about eight years. When farmers are in one of the worst situations they have ever been in, only 60 per cent capital funding from municipal debentures at a lower rate is allowed.

I did a survey of three municipalities in each district we attended across this province. In Huron, there was one municipality, Howick, that was short of funds. In Kent county, two of the three we checked were short of funds, Harwich and Chatham. Those were the only shortages we found in that checking.

So the simple facts are, because of the inadequacy of the bookkeeping and the contact with the municipalites, some municipalities are not getting the amount they would like to have this year and even with \$30 million there is going to be money left over that will not be used. Obviously, that must be what the minister wants.

The government is deterring this at a time when it is most needed. There are other reasons as well. It has been documented, as I have already stated, over and over again that tile drainage dramatically increases the crop yield. In an era when energy and fertilizer costs are high, that is when the government should be promoting tile drainage. Yet here we have the Minister of Agriculture and Food cutting back on the net amount of money going into tile drainage.

Although he is not here, I want to tell the minister there is anger out there. We found this on our task force tour. The farmers are mad at the red meat situation. They are mad at the financial situation. Nowhere is this anger greater than in northern Ontario, because northern Ontario rural development agreement funds that were supposed to last for five years have been cut off at the end of two and they do not have that extra money for tile drainage. They

were cut off in Timiskaming and Rainy River. There is no money from NORDA any more for tile drainage and they are angry.

On May 5, the New Democratic Party put out a comprehensive employment document entitled Ontario Can Work. It proposed measures that would provide short-term and long-term employment of 350,000 jobs. There is also a section on drainage. We propose there should have been another \$25 million put into drainage this year and next so the farmers would have the advantage of a better crop. That is the kind of program that is needed.

In view of the fact that drainage is an investment and it is really a loan, in view of its tremendous benefits and in view of the desperate efforts on the other side of the House to hold the riding of Stormont, Dundas and Glengarry, will government members not only vote in favour of this resolution, as I am sure they are, but also encourage the minister to put it into action?

**Mr. J. M. Johnson:** Mr. Speaker, the answer to the member for Welland-Thorold is yes. I thank him.

I am pleased to rise in support of the resolution of the member for Essex North for two reasons. The first and by far the most important is that it is a good resolution; it addresses a very urgent need in the farming community. As a rural representative who has 13 townships that would benefit from additional tile drainage funding, I am very supportive of this type of resolution coming before this House, whether it is presented by an opposition member or by a government member.

The second reason I have no hesitation in supporting the resolution is that it is very similar in intent to my resolution on tile drainage, which we debated in this House on May 28, 1981, as the member for Essex North mentioned. This, of course, was seconded by our former colleague Osie Villeneuve.

I want to thank the member for his very complimentary remarks about our former colleague. I do not think there was any member of this House who was more supportive of tile drainage than Mr. Villeneuve. He certainly expressed the views of eastern Ontario quite well in that debate.

**Mr. Wildman:** Would that the minister had listened to him.

**The Deputy Speaker:** Order. The member for Wellington-Dufferin-Peel has the floor.

**Mr. J. M. Johnson:** I would like to read my resolution into the record for the benefit of refreshing the memories of my colleagues and then to highlight some of the comments made by some of the members during that debate. My resolution was as follows.

"That this House urge the Ontario government through the Minister of Agriculture and Food to allocate sufficient resources to permit the reasonable financing of tile drainage loans to more readily meet the needs of Ontario farmers, and to advance the provincial program for completion of province-wide tile drainage installation on agricultural land which is inadequately drained, resulting in a reduction in productivity."

That resolution received the unanimous support of this House, and I hope this resolution will also receive that same unanimous support.

I might also mention that I endorse the member's thought of increasing the program from a figure of 60 per cent to 75 per cent. It is my personal feeling that many of the farmers who really do not have the equity to take advantage of the program are some of the ones most in need of assistance. If we cannot address it through this resolution, if for some reason they cannot raise it to 75 per cent, then I think it is incumbent upon the minister to find some other method of helping these people who cannot take advantage of a mechanism that has been proved to be extremely successful and beneficial to the farming community.

I might mention the support I received from all members of the House in that resolution. The member who introduced this resolution was one who supported me. I think the best support came from the member for Algoma (Mr. Wildman) when he said he wanted to support the resolution and "to defend the member for Wellington-Dufferin-Peel against the slurs placed against him by certain members." I think he referred to a few members who are not here today. That was very kind of the member. I never had the chance to express my gratitude publicly.

In our caucus it is surprising the number of members from urban parts of the province who are very supportive of tile drainage. I think most members today are knowledgeable enough to appreciate the benefits, and that is why we should not really have as much problem in getting some extra dollars into this program.

**4 p.m.**

I do have one concern I would like to express, not so much on this resolution as on a basic

philosophical problem we have with private members' resolutions and bills. We have been told on occasion that we do not have to consider this resolution as political, that it can be construed as being a nonpolitical resolution. I think the events of a couple of weeks ago highlight the concerns I have.

It was a resolution pertaining to the anti-nuclear thrust. The members opposite pleaded with all members to support it, and said there was no political motivation involved in that resolution.

Yesterday I received a letter that made me reconsider that thought. It is an open letter to Jack Johnson, MPP, Wellington-Dufferin-Peel, from the New Democrats from Wellington-Dufferin-Peel.

It states: "We are sending this open letter to express to you our dismay at the defeat of resolution 1. We were quite honestly appalled that such a serious question could be dismissed by you and your colleagues in so cavalier a manner."

It goes on to say: "We have learned that fewer than 15 Conservative members of the Legislature were even present for the debate. The picture of you and your colleagues trooping into the House simply to vote against resolution 1 is so crass and cynical that it beggars the imagination."

If that is not political, it certainly sounds it to me. I just bring the point out that it is hard to support resolutions of any nature, when regardless of what one says here it turns out to be used for political reasons.

**Mr. Wildman:** You are a politician.

**Mr. Philip:** That is what politics are all about.

**Mr. J. M. Johnson:** I had no trouble voting against the resolution because in my opinion it was anti-American and pro-Soviet.

**Mr. Wildman:** Oh, come on.

**The Deputy Speaker:** Order.

**Mr. Wildman:** Mr. Speaker, on a point of order: It is completely out of order and uncalled for to suggest that the members of this Legislature who supported the resolution introduced by my colleague the member for Scarborough West (Mr. R. F. Johnston) were somehow pro-Soviet.

**The Deputy Speaker:** The point of order is out of order. For that matter, the last few comments have not had much to do with the resolution being debated. Perhaps the member could return to that.

**Mr. J. M. Johnson:** Certainly, I would be very pleased to do that. It was a personal opinion.

**The Deputy Speaker:** The member for Wellington-Dufferin-Peel will continue, please.

**Mr. J. M. Johnson:** I just threw that point out so that, if at times we appear not to be supportive of some of the resolutions, he will understand the reason.

I am going to try to ask for the support of the House on this motion in favour of the member for Essex North. I would like to suggest that private members could collectively say to the Premier (Mr. Davis), the Treasurer (Mr. Grossman) and the cabinet that we strongly support the concept of this resolution, and that tile drainage is one of the most important long-range solutions to making our entire agricultural base more financially secure and viable.

While we accept the need to exercise restraint in most areas, we unanimously agree that the dollars invested in this program are quickly returned to the economy and therefore should be considered as an investment and not an expenditure. Therefore, this program should be given the highest priority. If we can be positive and not negative in this resolution, I hope we can achieve something that will be beneficial to all of us and our constituents.

**Mr. Boudria:** Mr. Speaker, it gives me great pleasure to participate in the debate on the resolution introduced by my colleague the member for Essex North.

This resolution is especially important at this time because of the critical shortages we have in tile drainage in eastern Ontario. As we all know and as you know I am sure, Mr. Speaker, from having personally travelled in eastern Ontario, the province is seriously lagging behind, and have done so for many years, under the regime of this government.

I would like to go back to some of the history of the tile drainage program in eastern Ontario. The program has been in existence for a number of years. When the program started, farmers from across the province would install the tiles for tile drainage that we had at that time. A number of years ago we were using clay tiles, which I understand work relatively well in southwestern Ontario and other parts, but did not work in eastern Ontario because of the heavy clay we have there.

So what happens? We have an evolution of the program which went on throughout the province. At one point, somewhere in the mid-1970s—around 1975 or 1976—the govern-



ment decided it was going to have a quota system for the allocation of tile drainage money, a quota system established on the fact that the amount of money a particular township had received over, I guess, a period of the last three years, was average. From that figure, we had the quota which municipalities would use beyond that point.

Remembering what I said a minute ago, that eastern Ontario was not able to participate in the original program because the original clay tiles did not suit our particular soil, eastern Ontario had done very little in the way of tile drainage up until some time in the early 1970s. By the time we got started into our program, we were clamped into these quotas which were initiated.

Let us look at some of the effects of these quotas. What it means is that a municipality that had previously received a lot of money would continue to receive a lot, based on the fact it had used a lot in the previous year. A municipality which had used nothing, got nothing. I must say the logic of that really escapes me. By the implementation of that quota system, the people of eastern Ontario were severely shortchanged.

Now let us look back on another aspect of this program. As we know, in the mid-1970s the tile drainage program had a four per cent interest rate to it. When I was elected to municipal council in 1976, it had just changed at that time to six per cent. This means the people elsewhere in the province had the benefit of tile draining their lands, in many places, at four per cent or six per cent interest.

Now it is time for us to tile drain, we in eastern Ontario are tile draining at eight per cent interest. This is hardly fair, considering the treatment others got.

Mr. Speaker, maybe you would say interest rates were lower in those days. Not so. The interest rates in 1973-74 were practically the same as they are today. Yet, at that time we would get tile drainage money for four per cent and six per cent interest. The people of eastern Ontario are actually paying twice as much in interest as others in the rest of the province paid when they started to tile drain their land. Hardly fair.

Again looking back at the people who were able to tile drain previously, because the technology was such that the tile drains were adaptable to their land, they got 75 per cent loans on the total of their projects. What do we get in eastern Ontario, now it is our turn to tile

drain? We get 60 per cent loans. This is hardly fair.

This is not the way the rest of the province was treated. If it is not good for the rest of the province, why is it good enough for eastern Ontario? It is not good enough for the people of eastern Ontario, I tell the House. It is totally unreasonable to expect that what others have received in the past is not made available to our people in our part of the province.

A moment ago I was explaining that in southwestern Ontario they had received a lot in the past. Their allocations continue to be distributed on the basis that they received a lot in the past.

Let us look at some of the effects of that. Does everyone know that the five counties of eastern Ontario—Stormont, Dundas, Glengarry—remember those names—Prescott and Russell—combined, receive less in tile drainage than the county of Lambton. I wonder why. Why is that good enough for eastern Ontario when it is not good enough anywhere else? Why should we be satisfied with being one fifth as good as Lambton?

Do the members think the people of Stormont, Dundas, Glengarry want to be treated as one fifth of Lambton? It is hardly reasonable for the people of eastern Ontario to be satisfied with that.

#### 4:10 p.m.

Let us look at the effects upon eastern Ontario which all of these policies have had. Let me tell the House just how important it is for us to get that tile drainage money. In 1981, there were 12,900 farms in eastern Ontario. This was a decrease of 16 per cent from 1971. If we look at the whole province, they lost only 12 per cent of their farmers; we lost 16.

Some members may say that is not that serious, because maybe it is just a consolidation of farms. That is not so, Mr. Speaker. We lost 13.3 per cent of our acreage in eastern Ontario while the province only lost six per cent of its acreage as a whole. Eastern Ontario has been receiving less and less from this government in the way of improvements to tile drainage. That is why we are losing our tile drainage; and that is why our farmers in eastern Ontario are lagging so far behind the farmers of the rest of the province.

Let us look at a few more statistics from eastern Ontario. In 1971, farm investment in eastern Ontario was \$725 million. That is an average of \$47,000 per farm—hardly prosperous farms, considering the provincial average is

\$72,800. Why do we not deserve any better in eastern Ontario? Why can we not get our fair share out of the government?

The Treasurer was lately in this Legislature telling us about all the goodies he was giving to eastern Ontario. I am not convinced we have had our fair share of so-called goodies. This is the repentance of the government, in the middle of a provincial by-election in eastern Ontario, trying to save a seat. They are not having a terribly large amount of success. Every day we see a different cabinet minister coming there with a new bag of goodies, surely an indication they are not pleased at how well they are doing in the area, trying to buy out more votes.

In the process of doing that, the government announced a \$209,500 increase in tile drainage allocation, but there is not one cent of increase in that allocation. There are redistributions from counties that did not use all their allocations, which are being shifted to other counties. There is not a cent of increase in that. As a matter of fact, from the \$30 million in the budget they have revised their estimate downwards to \$26 million, because the program is so unattractive at the present 60 per cent total that can be put on the tile drainage debenture that many farmers are not even using it in eastern Ontario.

Coming back to this press release talking about the \$209,500 increase, as I understand it, the funds were reallocated throughout the whole province from counties that have not used all their allocations and they were redistributed to other counties that needed it. Why was a press release issued only in eastern Ontario? It is a mere coincidence, I am sure, that we are having a provincial by-election.

The government needs to address the tile drainage issue. The only way it can do that is by increasing the allocatable amount to 75 per cent of capital cost and reducing the interest rate to match what the people elsewhere in Ontario got. That is the only way the people of eastern Ontario will get their fair share. The Minister of Agriculture and Food has not seen fit to do that yet. To repeat the words of some farmers in eastern Ontario, "The Honourable Dennis Timbrell is the eunuch of agriculture."

**Mr. Wildman:** Mr. Speaker, I rise to support the resolution introduced by my colleague the member for Essex North. I rise as a representative of a rural riding in northern Ontario; also, in passing, as a member who supported the resolution of my colleague the member for Scarborough West. It is interesting that the member for

Wellington-Dufferin-Peel (Mr. J. M. Johnson) when he was speaking earlier in this debate raised the question—how irrelevantly I do not know—of pro-Soviet approaches.

**The Deputy Speaker:** The member is absolutely right; it is not relevant.

**Mr. Wildman:** I know. Why did you not cut him off? I would like to know why we in northern Ontario are treated as if we were from Siberia.

We have lots of statements in this House from members of the government about northern Ontario and what they are doing for northern Ontario and the future they see for northern Ontario. One government member who makes these statements continually is the Minister of Agriculture and Food. I would like to quote from a statement made on Wednesday, June 1, during the discussion of the estimates of that ministry by the honourable minister in which he said, "We have a vision of agriculture in northern Ontario growing and prospering far beyond the dreams of people a mere decade ago."

That sounds really great, but then we have to realize that although we have great potential and we have some of the most fertile areas of the province in northern Ontario—look at the clay belt, for instance—we also do not have the heat units there are in other parts of the province. So if the ministry really believes there is a future for the expansion of agriculture in the north, we have to do all we can to improve the productivity of the land and to enable farmers to increase the amount of acreage in production. We have to balance out the differences, the disadvantages, that our climate gives us in northern Ontario if agriculture is to prosper in northern Ontario.

So really it becomes a question of the substance of the commitment of the Minister of Agriculture and Food to agriculture in northern Ontario, and one just has to look at a couple of things. My colleague the member for Welland-Thorold mentioned the northern Ontario rural development agreement program. He indicated that \$1.2 million of this program was allocated for tile drainage during the years 1980-1985. Since last summer all those funds have been used up. There certainly is a need for tile drainage in northern Ontario and that indicates it; but the funds have been used up. The program was to run until 1985, and there is no new funding. So much for commitment to the expansion of agriculture in northern Ontario.

My colleague from eastern Ontario mentioned the differences between eastern Ontario and southwestern Ontario. We have the same

situation with regard to the north. Historically there has not been as much drainage done in northern Ontario as has been done in southwestern Ontario. Northern farmers have not been able to take advantage of the program in the past.

Just when the government started to encourage, through all of its rhetoric, the expansion of agriculture in northern Ontario, then it changed the program to make it less attractive to farmers and to make it more difficult for them to participate. The cut to 60 per cent about two years ago from the 75 per cent that was the way the program operated in the past has made it very unattractive to many farmers who would like to tile drain their property, simply because they cannot afford it; they cannot arrange the funding for the other 40 per cent.

The clerk of the township of Dymond in the district of Timiskaming informed us recently that in that particular township they have \$23,000 left over that should have been allocated for tile drainage. The reason, according to the clerk of the township, is that a lot of the farmers have backed off because of the fact that the policy has changed to cover only 60 per cent. At a time when we in northern Ontario, as in other parts of the province, are experiencing real, serious difficulty in agriculture, largely related to the crisis in the red meat industry with the low beef prices, how can farmers finance drainage at a disadvantage to their neighbours in southwestern Ontario, who have done it on the basis of 75 per cent in the past?

The other matter that was raised by my colleague from eastern Ontario also applies to the north. The administration of this program by the government, which is based on averaging the allocation for tile drainage by municipalities over the last three years to determine what the allocation will be for the next year, hurts northern Ontario municipalities and the farmers in those municipalities.

It basically means that those municipalities where farmers have taken advantage of this program historically, largely in other parts of the province like southwestern Ontario, get the largest allocation. So even though the government says it is interested in seeing agriculture expand in northern Ontario, it bases the allocation on a system that means that if you have not done this very much in the past, you are not going to get as much in the future. Those who have, continue to get; and those who have not, find it very difficult to get.

4:20 p.m.

Again, in northern Ontario we are now faced with a situation where the government is saying: "We want you to expand your production. We are prepared to give you tile drainage loans, but we are going to give you these loans at a subsidized rate of eight per cent"—paying twice as much as farmers in southwestern Ontario did years ago; that is, interest rates of four per cent and later six per cent. As a matter of fact, just recently it was 10 per cent. Although it has gone down to eight per cent, which is a little better, with the current crisis in farm incomes it is very difficult for farmers to finance even at eight per cent.

I think the time is long past when we, as members of this Legislature who represent northern Ontario, can sit and take the kinds of comments made by members of the cabinet and other members of the governing party. They tell us all the wonderful plans they have for the future of northern Ontario and then do not back them up with the finances necessary to bring about that future.

As my friend from Welland-Thorold pointed out, in terms of net outlay in 1983-84, there is going to be only \$11 million allocated for tile drainage across the province, and this is down from the \$14 million net that was allocated in 1980-81. If the government is really committed to tile drainage and the expansion of productivity in agriculture, I fail to see how it can justify lowering the net amount of dollars allocated for tile drainage.

In our view, the government should be going in the opposite direction. It should be expanding its allocation of funds for tile drainage; it should be making it easier for municipalities that have not been able to take advantage of this program adequately in the past by expanding the allocation those municipalities are able to make for tile drainage.

There are 2.9 million acres in Ontario that could benefit from tile drainage, and that is outside of areas that have not been farmed in northern Ontario in the past. Over a period of time, these acres could be drained and could greatly expand the productive acreage in Ontario.

In this party we believe the government should be allocating something in the neighbourhood of \$25 million for tile drainage over a period of time to ensure we can assist farmers to expand their productive acreage.

As was said in this debate earlier, this is not a grant program; we are talking about a loan program. The costs to the taxpayers as opposed to benefits to the residents of Ontario are very



small, because we are talking about a write-down of interest.

The time is long past for rhetoric in this House, whether it be from members of the cabinet who are talking about the future of agriculture in the north or whether it be unanimous votes in favour of resolutions about tile drainage; it is time we had some money put into it. It is time we put money where the government's mouth is and had a real expansion of tile drainage, not only in northern Ontario but also across the rest of province.

**Mr. Watson:** Mr. Speaker, I welcome the opportunity to speak on this resolution regarding tile drainage.

As does the member for Essex North, I come from the county of Kent, which is one of the main beneficiaries of tile drainage. I think my constituents very much appreciate the benefits of tile drainage, and I think a lot of that has been said. The history of tile drainage has been referred to here today. Although it has been mentioned, I would like to review a little bit of where we have come from in tile drainage in Ontario.

It was back in 1878 that the government passed An Act respecting the Investment in Tile Drainage Debentures. In the debate on that bill, many concerns were raised. There was concern over whether the government should be involved as a lending institution or whether it would be better for farmers to seek their own financing.

As the government was in the enviable position of having a surplus at that time, a few of the members felt that such a program was an extravagance and that anything that would increase the borrowing facilities of farmers would be a definite step in the wrong direction.

Some members at that time felt the program would give rise to unforeseen complications, that farmers would be encouraged to proceed with drainage projects at too fast a rate and that the subsequent cost would become prohibitive. Still others believed the proposed funding allocation of \$200,000 would be a drop in the bucket and would not enable enough land to be drained to be of any benefit. I wonder what those members would say if they were here with us today when we are debating the very same program with a budget allocation of \$28.1 million.

Three years after the original bill was passed, the benefits of tile drainage were recognized by a report of the Ontario Agricultural Commission. It stated: "At this time of day no argument is required to convince the farmers of Ontario

that if they wish to be able to sow early and reap early, if they wish to improve the yield and quality of their grain and lessen the chance of injury by spring frosts and rain—if, in short, they wish to place the results of their labours as far as possible beyond the weather and ensure a good crop, as far as such things can be assured—they must make the drainage of their farms an object of first importance."

However, it was some time before the farmers of this province began to make full use of the assistance offered by the government. It was mainly through advertising campaigns run by the Ontario Agricultural College between 1907 and 1909 that farmers became aware of the benefits of tiling and the broad range of assistance that was available.

Many changes and additions to the original legislation have been made since 1878, mostly affecting the interest rates and the municipal borrowing limits. Between 1878 and 1960, loans to farmers totalled slightly more than \$11 million. During the 1960s the number of requests for assistance grew rapidly, and the introduction in 1968 of plastic tubing and drainage ploughs enabled the rapid expansion of the industry. The value of loans doubled in 1969 from \$2.6 million to \$4.3 million.

At that time, further expansion was limited by the capacity of manufacturers and contractors. As a result of oil prices in 1973, the cost of plastic tubing skyrocketed and subsequent loan applications fell. The following year the industry had stabilized and loans began increasing again. By 1976 the amount of money lent under the program exceeded \$16 million.

It had become obvious that the demands for drainage loans and the costs of installation were beginning to surpass even the most liberal estimates. It was out of necessity that the budget for tile drainage debentures was limited to the appropriation in the budget as approved by the Legislature.

Indeed, after a century of encouragement, the farmers of Ontario have finally taken to heart the immortal words of the naturalist and tilemaker, Jack Miner, who comes from just south of where the honourable member proposing this lives. I would like to quote from him. He said:

"If your land is too wet, and you are burdened with debt,

"And encumbrance begins to accrue,

"Obey nature's laws by removing the cause,

"Drain your farm or it will drain you.

"Most farmers lament the money they've spent,

"For things only made to beguile,

"But never as yet did a farmer regret the money expended for tile."

The progress that has been made in the installation methods of tiling has been phenomenal. When the drainage program began, as was mentioned earlier, the tile was put in by hand, and the average labourer could put in about three rods a day. One hundred years later the wheel machine could install 3,000 feet of tile a day. Now, with the aid of lasers and a good field to work in, it is possible to lay 30,000 feet of tile a day. Undoubtedly, the vast improvements we have seen in the installation techniques have further encouraged the farmers of Ontario to undertake drainage projects.

**4:30 p.m.**

There can be no argument made against the benefits or importance of tile drainage. It has been demonstrated many times, over many years, that properly installed tiles can help to significantly improve productivity and enable otherwise poor lands to be cultivated. To date, approximately 3.2 million acres of land in Ontario have been tiled, and the rate of installation is running at about 200,000 acres per year. Since 1976, more than 300,000 acres of new land has been brought into production, mostly as a result of improved tile drainage.

The benefits of tiling are not the issue. The issue is one of money. This resolution put forth by the member for Essex North calls for the immediate allocation of sufficient resources to meet all the needs of Ontario's farmers for tile drainage loans. Approximately 2.8 million acres of land in Ontario has yet to be drained, and every acre will be in need of a tile drainage loan. If we were to adopt this resolution literally and endeavour to meet all the needs for drainage loans, it would incur an immediate expenditure of about \$1.05 billion.

I realize this is not the intent of the member who introduced it. What he is looking at is the current demand for tile drainage, up to 75 per cent of the cost. If that is the case, my calculation is that it would require about an additional \$18.8 million to a budget of about \$46.9 million.

The question we have to ask on this side is, where does the money come from? Should we cancel some of our social or health programs? Should we allow some of our environmental programs to suffer? I realize that is not the problem of the member who has raised this

issue, and I certainly would hope we could find some additional moneys for this program.

In the 1982-83 fiscal year, the province established the policy whereby 60 per cent of the total cost was the maximum amount that any township could lend to a farmer. This policy was instituted for two basic reasons. First, townships had not been following the previous standard of 75 per cent, and there was a wide variety of percentages being offered to farmers, ranging from as low as 30 per cent to a maximum of 75 per cent. This was unfair and caused a lot of problems between farmers and townships.

Second, the average loan being issued by the townships had consistently been in the 60 per cent range. Since the institution of this policy, the actual average amount being lent by townships per project has changed very little. By changing the policy, the Minister of Agriculture and Food has been able to meet the provincial demand for loan assistance and over the past two years has been able to increase the number of people supported by 33.5 per cent.

In addition, the program now allows for more uniform support across the province. I agree with the principle of this resolution, that we should endeavour to meet the needs of our farmers for tile drainage loans. I continue to believe it is some of the best money this government or any government can spend. I would like to associate myself with remarks made earlier that it is a good investment for any farmer who needs tile drainage.

**Mr. Ruston:** Mr. Speaker, is the time I see on the clock the total time left?

**The Acting Speaker (Mr. Cousens):** Yes, it is.

**Mr. Ruston:** I want to thank all the members for their support: the member for Welland-Thorold, the member for Algoma, the member for Wellington-Dufferin-Peel, the member for Chatham-Kent (Mr. Watson) and my seatmate the member for Prescott-Russell (Mr. Boudria).

I want to deal first with the remarks of the member for Chatham-Kent. I realize now what he said about the gross amount of money in total, and naturally he did qualify that by saying one is only going to get so much in each year. That is understandable. If I remember correctly, the Ontario Federation of Agriculture in one of its presentations said it figured about \$50 million gross would be needed to get the thing going more or less for a couple of years and probably to get caught up to some extent.

We are not talking about a great deal more money in gross terms to make the situation

current. It would probably be a gross amount of about \$50 million, which would be a net cost to the province of about \$15 million. I see the member for Chatham-Kent is nodding that this was the intent.

**Mr. Watson:** Just to point out that it was current, not all.

**Mr. Ruston:** Yes. Well, he would know.

In looking back over the cost of installing tile, one of the things that made some people want to get it in under any circumstances this year, if they could, was that during the early summer there was quite a sale price on plastic tile. It was being sold for 16 cents a foot. Right now, I understand it costs 22 cents; that was the last price I heard from people who had it installed.

There are different bases for calculating how close one puts it in. If I understand correctly, less than half of the 200,000 acres a year that are tile drained is new land; the remainder is for maintaining or upgrading the existing tiled land. As many people are aware, when we first started tiling, it was probably installed about four rods apart in some clay soils. Then a few years later, many farmers tiled it in between and made it about two rods; under the old, nonmetric system, that would be about 32 feet. It is interesting that for tomato land, and we are trying to encourage more tomatoes to be grown in southwestern Ontario, some farmers are tiling as close as a rod apart, or about 16 feet.

A neighbour of mine had his soil tested to see what would be the most efficient way of tiling it. Some people were doing it two rods apart and some were doing it three rods apart. As a result of his testing and after running it through the computer, it was found in that type of soil, which is a kind of Brookston clay, about 38 feet was the ideal in terms of the cost of putting it in and its efficiency in relation to the crop.

Of course, you can overtile. It is like putting fertilizer on land or corn or whatever—the member for Oxford (Mr. Treleaven) is listening very intently, which he does quite often here—you can overkill with too much fertilizer. You can find that out by putting it on your lawn. Because you put on so many hundred pounds does not necessarily mean you will get results from the crop. You can put on too much. It is the same with overtiling. However, for the particular type of land my neighbour was telling me about, it was found that 38 feet was the most cost-efficient spacing for the results.

I was reading a history book on Kent county. I am sure the member for Chatham-Kent has read it. I see the member for Renfrew North (Mr.

Conway) is here; he is very well versed in history and probably will be aware of this. I read a story that goes back many years, when there was some pretty wet land in low parts of Kent county. Now we have dikes there, of course.

A fellow who had 100 acres was getting very discouraged because there was always two or three feet of water on his land. One day someone came along with a 45-gallon barrel of the demon rum. The fellow was so disgusted that he traded the 100 acres for the 45-gallon barrel of the demon rum, put it on his wagon and left that part of the country. He said he could not stay there any longer because of the wet conditions.

Today, that land is probably one of the choicest pieces in Kent county and probably produces some of the biggest crops. So one should never give up on what one is trying to do.

I thought that was rather an oddity. I am not sure whether it is the complete truth, but it was in a book as having happened.

4:40 p.m.

I can understand the argument of the member for Algoma. In northern Ontario, as well as in eastern Ontario, there are vast areas of land that have great potential for producing foodstuffs. They do not have the heat units that we have in southern Ontario, but with the new methods of producing seeds that do not require as many heat units, there is great potential to increase agricultural production in many parts of Ontario if the land is properly drained and then, in turn, to avoid imports and increase our exports of many of the things we should be growing.

I am looking forward to the vote. I am hoping all members will see fit to support the resolution. Somebody says we are not supposed to get political in here and after all this is a political place, but I think on something like this, agriculture being so important to the economy of the province, we should really all get together. I recall reading in the debate that went on a year ago, one of the members from the government side said, "Even if it means supplementary estimates, bring them into the Legislature and let us vote on it." I am sure if there was a vote taken they would be approved. I think this is very important and I hope everyone will support it.

#### PUBLIC ADVOCATE ACT

Mr. Swart moved second reading of Bill 125. An Act to provide for a Public Advocate in Ontario.



**Mr. Swart:** Mr. Speaker, certainly there is no question that the Tory government of this province has been preoccupied during the last 15 months, at least in its rhetoric, with restraining inflation. In pursuit of this restraint, it has broken binding contracts, limited wages of public servants and destroyed collective bargaining in a heavy-handed manner, yet it has done absolutely nothing about controlling prices.

Bill 179 was, and Bill 111 is, unfair and ineffective policy. It also is really a strange approach, by the government, especially when Jack Biddell, who is now the czar of the wage restraint program, has written an article in which he had condemned the former federal Anti-Inflation Board wage restraint program and said any new policy should be directed towards controlling prices rather than towards controlling wages.

My bill is a partial step to fill the total vacuum on price restraint that now exists in this province. I want to say that there is a real vacuum. There are really only two ways of assuring fair and reasonable prices to consumers: one is by free and full competition and the second is by government intervention where that kind of competition does not exist. There is no other way. Simply put, Ontario has not moved for protection by either method.

Assurance of adequate competition is primarily a federal responsibility, but it has not been done there. A couple of years ago André Quellet tried to bring in a new competition bill and expressed the need in these words, and I quote from him, June 15, 1981: "Canada has the highest concentration of corporate power of any of the western democracies but the weakest anti-combine legislation."

Then when he spoke to the Montreal Chamber of Commerce in March of that same year he said: "Time is short, since we are currently witnessing a new outbreak in the area of mergers and acquisitions in the country. If this phenomenon should continue for another three or four years at the same pace, the control of the entire Canadian economy could literally be in the hands of six or seven people."

That was a senior member of the federal government who felt we needed stronger competition legislation. Do members know who took the initiative to shoot that down? The Tory government, the Conservative government of this province. That fall there was a conference in Quebec of all consumer and commercial relations ministers. The then minister of this government—the member for London South

(Mr. Walker) at that time, if I remember correctly—went there and presented a 15-page report in which he stated that the Conservative government was totally opposed to the introduction of the kind of legislation which was being proposed to give stronger competition laws.

In the area of monopolies and semi-monopolies—Bell Canada and natural gas, hydro and insurance—not only has he refrained from controlling prices directly but he has consistently refused even to ensure that the consumers' side is put at the hearings. This Conservative government's negligence in protecting consumers against unwarranted price increases is deplorable, even if it was not in a time of restraint. He would like us to believe that is the watchword of his government.

Let me give some examples. I have here the annual report of Bell Canada. In no way have Bell's customers been given a fair deal. Rates have continued to rise unnecessarily over the last two or three years. In its annual report, it is pointed out that the total operating revenues—and this is just from its telephones, not from its other enterprises—amounted last year to \$4,570,000,000. Half of that comes from Ontario. Its operating expenses amounted to \$3,388,000,000.

This means they have net revenues, or profits before taxes, of \$1,181,000,000. Although a substantial proportion of that is taken up in taxes, their net income during these last two years when the minister has been talking about and fighting for restraint has been: in 1980, \$235 million, in 1981, \$524 million and in 1982, \$569 million.

It should also be pointed out that they paid substantial taxes—I am sure the people on the other side like to point that out—but what this means is that people in Ontario for their telephone rates paid about \$250 million to the federal government that people in other provinces such as Saskatchewan, Alberta and Manitoba did not pay because the telephones there are publicly owned. Incidentally, the rates are about 25 per cent lower than they are in this province and in Quebec where Bell operates the telephones.

There is obviously no competition there and very little control on the prices. The inadequacy of the Canadian Radio-television and Telecommunications Commission is obvious, just from these profit figures if from nothing else. This government, if it intervenes at all, intervenes only in a half-hearted way on behalf of the

consumers of this province. I suggest that the consumers in this province paid about \$200 million too much in their telephone rates last year and this year.

That shows up in other ways in Bell's situation too. I have here, November 30, just eight days ago, a quote from the *Globe and Mail*:

"BCE Rings Up 75-cent Gain, Posts Strong 16-month Rise.

"With a final spurt to \$33.37 yesterday, shares of Bell Canada Enterprises Inc. of Montreal have doubled in only 16 months, the strongest price rise for Canada's most widely held issue in at least 20 years.

"Some analysts believe BCE stands to profit handsomely from the AT and T breakup, while BCE's operating companies in Canada remain sheltered from the competition facing former Bell System companies in the United States."

It is because they were forced to break up there and to accept competition, which has not been the case here to date.

We see in this morning's business section of the *Globe and Mail* where Bell Canada is now trying to take over TransCanada PipeLines Ltd.

I guess they know that if they really want to make money they should get into the noncompetitive field and into monopolies because there is not a government in this province or a government at Ottawa that is going to interfere to protect the consumers and see that their income is kept to a reasonable level.

**4:50 p.m.**

Why does it happen? It happens primarily because there is a terrible imbalance at the hearings. Bell Canada admits that it spent about \$2 million in 1982 at the hearing to promote the increase it had at that time. They got most of it. They got something like \$440 million out of the \$550 million they asked for. They spent their \$2 million and had all the experts there. Who was on the other side to put the case of the consumers? All the consumers' associations of Canada were there. They spent about \$125,000.

I would suggest they did a good job with the resources they had. However, how is any judge and jury going to sit there and make a fair decision when on the one side are all the experts promoting the increase and nobody on the other side defending the consumers adequately?

The same thing is true of natural gas. A decision was made recently—in fact, just the first of last month—that this year there is going to be no increase in the rates of Consumers' Gas Co. They quoted me extensively because nobody else was there, except the Consumers Fight

Back group from Port Colborne. We went there in opposition to it. I drafted a brief and presented it there. In its 125-page decision, the Ontario Energy Board quotes extensively from me for the reasons Consumers' Gas should get no increase this year.

I suppose I should feel happy about that. However, I want to tell the House I do not, because they got their cheques up front just before the Inflation Restraint Act came in. Yes, they got their \$77-million increase in 1981 and another \$28 million in 1982. Therefore, they did not need anything this year; their profits are going to be far more than ample.

In fact, I am unhappy with the decision. There should have been a reduction in rates this year. Does the House know that this report points out that the rates were set last year to give them a 16 25 per cent return on equity? That is fully adequate, it would seem to me.

This year, the existing rates are enough to give them—guess how much?—15.3 per cent return on equity. When many industries and many investors today are lucky to be getting five per cent, 10 per cent or 12 per cent return on equity, the Ontario Energy Board makes a decision to give Consumers' Gas 15.3 per cent return on equity. Not bad, is it? Pretty good at these times. Not a fair decision at all, as far as consumers are concerned.

Once again, this unfair decision was made because there was not adequate representation there for the consumers of this province. Let me point out that in this document here it says, "There were 19 lawyers and witnesses for the company, all high-powered, many of them there during the whole hearing."

On the other side, opposing this, were the industrial gas users, who had a lawyer there for two days; Cyanimid Canada Inc., who wanted special consideration; the apartment owners, Consumers Fight Back and the New Democratic Party of Ontario. This is all there was on the other side. A horrible imbalance, and the people of this province are paying a substantial price for it in their gas rates because they were not adequately represented at those hearings.

This coming year, hydro is going up by 7.8 per cent. Last year it went up by 8.4 per cent. Even though the Ontario Energy Board recommended it should be less, it still went up by that amount.

This year again our insurance rates—it does not matter whether it is automobile insurance or insurance on our homes—have had substantial increases. There is a new gimmick. The insurance companies now want to insure our homes

for 125 per cent of replacement value. Therefore, they have to get certain scrips made the same way they were made 50 years ago. They can do it. They want to insure houses for 125 per cent of value, and those rates have gone up.

We do not even have an insurance rating board in this province. Do members know what the profits of the insurance companies are? In 1980 the profits of the insurance companies in Canada were \$210 million. They dropped in 1981 to \$160 million, and went back up in 1982 to \$450 million.

Does the minister know what they are in the first two months of this year? They are more than they were in the total year last year. The profits of the insurance companies are \$490 million in the first two months. They are going to have the highest profits this year that they have had in their history. Yet we do not have a government that will intervene in any way to set a rating board in an ad hoc manner to protect the consumer against those rates. We do not even have any unions.

In Conservative Alberta they do have a board; they have to prove rates. They have three people on their board. The director out there told me they have saved something like \$100 million for the people of Alberta since they set up that board.

The minister's inadequacies are pitiful, even if it were not in a time of restraint. My bill is one step in correcting this situation. It would establish in essence a consumer ombudsman to represent the public interest in the setting of rates. Also, he would be involved in environmental matters which have a broad general interest. He would be appointed like the Ombudsman we have now and would be accountable to the Legislature, not the government, so that he is independent.

My bill is not radical or even innovative, but it would be an effective one. Twenty-eight states in the United States have some form of public advocate, a government agency to represent consumers in utility rate hearings, and in most, resources are provided equal to the resources of the applicants who are seeking the increase.

New Jersey's was the first and most comprehensive of the public advocates and it still is the best. It is sort of a public ombudsman for all purposes: discrimination; mental health; class action; advocacy for inmates of all institutions, including jails; and a public defender in a multitude of ways. Some of these public advocates even act against overbuilding of hydro and

construction of nuclear plants, and they are composed in a very fair way.

Let me quote from a report. "Ohio's consumer council was created by the Senate in 1976. The nine-member consumers' council governing board includes representatives of labour, residential consumers, family farmers. It is also stipulated that no more than five members belong to the same political party in that 13-member board." It cannot be dominated by one political party.

Connecticut's consumer council has also been involved in the area of nuclear power. According to a 1977 annual report, the postponement of two nuclear construction projects, Montague 1 and 2, was due in part to the consumer council intervention. That is what we talked about, giving consumers some very real protection; that is central. Central to all of these public advocates is their representation at all rate hearings, including insurance rates, on behalf of the consumer.

New Jersey's public advocate and public defender legislation should really be compulsory reading for every member of government and so should its annual report. I have one here, the latest, for 1982. Just let me read a little bit from it, Mr. Speaker.

"The division which represents the interests of New Jersey citizens in utility and insurance matters during 1982 focused on efforts aimed at preventing regulated industries from getting more from the consumers than they could fully justify. Cumulative consumer savings from division involvements in utility and insurance cases surpassed \$1.25 billion. Aggregate savings to New Jersey ratepayers resulting from more than eight years of operation now exceed \$4 billion.

"New Jersey's gas, electric, telephone, water, sewer, solid waste, bus and cable television utilities during 1982 sought a record \$1.4 billion in rate increases. Due at least in part to vigorous division efforts, they received awards totalling only 47 per cent of the requested increases."

**5 p.m.**

Mr. Speaker, do not let anybody on that side try to tell me they asked for a lot and that is why they got only 47 per cent, because it is all documented in here and that was not the case.

This is done at no cost to the taxpayer because any applicant for an increase in rates must pay in to the public advocacy agency sufficient funds so it can fight the case adequately on equal terms against the applicant.

Some people say: "That will drive the price up. That has to be added to the gas rates or the



telephone rates." True, but the public in this province now pays the \$2 million that Bell Canada used to promote its increases. Darcy McKeough said it was \$1 million, or whatever it was, for Union Gas Limited; Consumers' Gas System must have been more. They paid those. Why should the public not have the right to have the same kind of money available to defend the consumers at the rate hearings?

Tory members will rise and say, "We have had someone at the Bell Canada hearings, and the Ontario Energy Board has to assure that natural gas rates are reasonable, et cetera, so we do not need this public advocate." I say to the members, anybody who looks at the documentation knows there is no organized fight put up against these increases in rates. Because we have nothing comparable here to the public advocates in the United States, Ontario residents have paid and are paying hundreds of millions of dollars too much in their gas, telephone, hydro and insurance rates.

It is time this province took the very minimal step I recommend in this bill.

**The Acting Speaker (Mr. Cousens):** The member for Durham East.

[Applause]

**Mr. Cureatz:** Mr. Speaker, might I say—a little applause too; I am waiting for the gallery applause to take effect; it is coming. Listen to the honourable member who is acting as Topol. Who was the famous guy in Fiddler on the Roof? The member for Halton-Burlington (Mr. J. A. Reed) is back. Is that all over now? The member forgot to take off the beard.

**Hon. Mr. Andrewes:** Tevye.

**Mr. Cureatz:** Tevye. I thank the Minister of Energy. I could waste all my time with interjections and not get to the bill.

I do want to say to the present acting Speaker, and I did not have the opportunity the last time around, that in my past reincarnation as Deputy Speaker, although the Minister of Government Services (Mr. Ashe) did not always agree with me, might I say he always agreed with you, and you and I always agreed with each other. It was always a pleasure and a privilege to work along with you. I do wish you the best in the future in holding the position as Deputy Chairman of the committees of the whole House.

**The Acting Speaker:** I thank the honourable member.

**Mr. Cureatz:** I am very pleased to have the opportunity to speak during private members' hour. Last week, as we all recall, we were

sidetracked with an emergency debate and it was well warranted. On the other hand, it has often been said by many members that it is discouraging when, from time to time, the few moments that we do have in these chambers are taken away from us, because it inevitably means those members who are on the list will be bumped off and not have the opportunity. I feel a little discouraged sometimes. I put my name on the list again. I do not know what the lottery will bring out. If I am 112—

**Mr. Swart:** Number one for me.

**Mr. Cureatz:** One for you. That is fantastic. I do not know where I am yet. I will find out. That is what the people in my riding often say, they do not know where I am. However, they will know where I am tomorrow morning when I am in front of the General Motors gates handing out matches. However, that is another point.

I want to congratulate the member for Welland-Thorold (Mr. Swart) on this proposal. I want to tell him, on a personal basis, that I have always found his ideas innovative and interesting. I can think—

**Mr. Mancini:** Don't get carried away, Sam.

**Mr. Cureatz:** It is true. To the member for Essex South (Mr. Mancini) I can think of past reincarnations of toilet paper into the House, then cereal boxes, and then—who remembers the famous chicken? Does anyone remember the chicken? That was a great one when he brought in the chicken which he had bought in Buffalo. I was listening with great interest; and when I saw Bill 125, I was thinking in terms of what took place in the last private members' hour.

If the members recall, we had the discussion on making Ontario a nuclear-free zone. Shortly after, we had the discussion on whether the blue jay should be Ontario's official bird. I was wondering if the member would take up something of the same nature perhaps, thinking in terms of an official fish. I heard the member for Northumberland (Mr. Sheppard) is already talking about an official fish. He is going to make it the pickerel or something.

I was talking to the member for Scarborough-Ellesmere (Mr. Robinson) and I said to him, "I was thinking of the tadpole as the official fish." But he said: "No, tadpoles do not count. They are not a fish." Then he said to me, "If I was a guy, I would pick the sperm whale." I had to point out to him the sperm whale is not a fish either, so the jury is still out on what the fish is going to be.

I am going to beat everyone to the punch. One of my private member's thoughts is to select a crawly thing. I thought that would be sort of good. What that will be, I have not quite determined. It might be the earth worm. It might be the flea. I am going to work on that and I guess I have until 1984, the infamous year, to determine what the crawly thing is going to be.

What about determining Bill 125? I listened with great interest and for a moment I was wondering if the proposer of the bill was actually going to speak to it because I looked at the explanatory note and it says, "to represent the public interest in Ontario at rate hearings before tribunals and commissions." The second point is, "to intervene in hearings at which environmental matters are considered where, in the opinion of the public advocate, a broad general interest may be affected."

I noted with great interest that for almost the first 10 minutes the honourable member concentrated solely on the corporations, be it Bell or the gas institutions, and the large increases they got. I thought he would eventually get to the point of why we need the advocate.

I want to tell him that as I indicated earlier, in my former incarnation I listened with great interest all the time. He and I always got along when I was in the chair. He was always most polite and I am going to be most polite to him. I like his idea. I do not like the way he wants to propose it in terms of a so-called advocate, an Ombudsman who is floating around the community.

I think there is an alternative way of doing it and one way would be some kind of funding for groups. I remember being chairman of the general government committee. We were doing the estimates of the Ministry of Housing and he was in there complaining about what was happening to the Niagara Escarpment, with zoning problems and people opposed to the zoning problems. At that time he got my thought process going on the possibility of making some funds available to those groups that are opposed to that zoning of the Niagara Escarpment.

It came to my attention on a personal basis that I was running across similar problems in the environmental area. In my constituency, in the town of Newcastle, there is a landfill site with which we are having two problems. The first is there is a great debate about whether it should be closed and whether it is filled to capacity. The Minister of the Environment (Mr. Brandt) has gone to court. The judge has ruled the site is not yet filled to capacity. That decision is going

to be appealed. The other problem is the possible extension of that dump site.

We have some concerned people in that locale of the landfill site and they have called themselves—

[Failure of sound system]

**Mr. Swart:** You never did that while you were in the chair.

**Mr. Cureatz:** But the clock is still running. That is what worries me. I have a great story to tell.

**Mr. Elston:** They are still after you. They will not let you speak.

**Mr. Cureatz:** No. The Clarke constituents approached me and we have a big job on our hands. Of course, like all interest groups, they think right away the member of parliament—as I know all my colleagues have found out from time to time—waves a magic wand and solves all these problems, but as we all know, one does not solve all these problems.

What has to be done? It is an educational process and we have to inform the Clarke constituents of the manner in which the various problems have to be approached and what problems have to be approached such as going to the local council on the possible rezoning of the landfill site, going to the regional council, coming to me, going to court, and going to the Environmental Assessment Board hearing on the possible expansion of the landfill site. They do not have the expertise nor do they have the funds for it.

In their own little way they have been trying to raise some money at bake sales, dances and other small things, but as we all know, the kind of money needed to take on that kind of job is astronomical. It seems to me we should be thinking in terms of having some funds available for groups so they can promote their own problems in their own direction.

I do not like the advocate situation because it seems to me he is in control of the direction of the situation at hand. I think if the funds are given to a particular group, that group is in control. The small executive that is selected by the membership determines crucial issues, such as whether the lawyer should continue on a case, and whether he should put more pressure on the provincial member, more pressure on the Environmental Assessment Board and more pressure on the ministry.

**5:10 p.m.**

I do have a fear that a floating public advocate, and I have some familiarity with the



courts—I know the member for Huron-Bruce (Mr. Elston) will support me on this; goodness knows they are bogged down enough—I have a fear that a public advocate who is merely a civil servant with a regular income can do all that is necessary to block any kind of reasonable compromise solely on the basis of delay. I do not think any of us want to see any kind of delay in society. It is bad enough to grope through the various hoops of regulations, laws and criteria to get anything done without a public advocate dragging his feet.

**Mr. Haggerty:** Like the Ombudsman.

**Mr. Cureatz:** No comment there. That has already been looked after earlier this week.

I still think the problem of how we determine the amount of money a group gets, or for that matter what group gets the money, will have to be worked out yet. I do not know whether we should select a particular board, whether it is a nonpartisan board or a board made up of members of the Legislative Assembly, or a particular ministry, such as the Ministry of the Environment.

Notwithstanding that problem—I look at that as a detail—I think the overall issue is that we should be looking at some kind of funding. I think the member for Niagara Falls (Mr. Kerrio) actually met some of my Clarke constituents almost a year ago today. As he indicated, it is a learning experience. I think he was able to get some funding for the people in the Niagara River area in terms of the court case and the Hooker dump problem. I do not see why that kind of an approach cannot be extended into the aspects Bill 125 has addressed.

**Mr. Elston:** Mr. Speaker, this afternoon I have found this very important issue needs a lot of discussion. There have been some very thoughtful remarks to this point. I want to associate myself particularly with some of the concerns the member who has just spoken raised with respect to the funding issue. That ties in very nicely with the whole question of whether we will have a public advocate, and exactly what that means for the citizens' groups who have become involved in local issues or in appearing in front of some of the boards that may be convened to deal with issues that affect any one of our constituent groups with respect to large undertakings by individuals in the province.

The question of funding has been addressed a couple of times. In my short stay here, one of those times was when we were dealing with the

Consolidated Hearings Act, that new piece of legislation which was first used in the great city of Stratford. The member for Perth (Mr. Edighoffer) will remember the hearings that were held on the hydro corridor. One of the very difficult questions that had to be dealt with was exactly how much funding was available for the people who did appear and talk to the board about the efficacy of having that hydro corridor come down the southern route towards London, Ontario, or having it go in some other direction, as was ultimately decided.

What happened was several groups of people appeared, but not all of them were funded in their efforts, because a determination was made that some groups might not add as much to the proceedings as some other groups. We had argued earlier that all the groups who come in front of the board to present a case on behalf of the public really ought to be able to apply and know they are going to have funding so that they can amass the type of information required to appear in front of one of these very specialized boards.

So the funding question, I think, is one we really do have to address again. I was very pleased to hear the statements made by the member for Durham East (Mr. Cureatz). I think it is something we should decide we will look into in a very thorough way some months hence. I look forward to having the assistance of the member for Oxford (Mr. Treleaven), who was present in the select committee on the administration of justice as chairman when we were discussing the issue of funding for those public groups.

In terms of public advocacy, the question is not so much that of trying to find someone to speak out on behalf of the public interest, because the public is generally, and particularly these days, finding ways of doing that. It is how we allow those people to speak out with any sort of authority when they are not able to get hold of the information that is really needed for them to make an effective presentation. In that regard, there have to be some steps taken immediately to dig up the freedom of information legislation which has been buried in a number of studies. Every time it starts to rise, it is pushed to the bottom of the pile again.

The key in all these deliberations is information. Who has the timely disclosure? Who is able to get at the very base of the arguments and the programs? If we have the proper legislation, there will not be too much of a problem.

One of our biggest difficulties in public advoco-



cacy is getting access to information. I still believe that is the major problem. In that sense, even if we have the public advocate, we still have to find a way of getting him that very timely disclosure of information. The means of getting at that is still in the hands of those fine ministers who have been in charge of that piece of legislation for some time.

I want to bring up a couple of other points that need to be looked at. I do not think we as a province can afford to continue in areas where the government has failed to take the initiative to provide the means whereby the modern society can defend itself against incursions into its pocketbooks or other places. We cannot afford to set another bureaucracy in motion and continue to pay for that.

On top of everything else, we have a number of bureaucracies which to this point have not functioned in the manner in which we thought they could. For instance, the initial proceedings before the hearing panel under the Consolidated Hearings Act have not turned out at all in the manner in which a number of us who were present during discussion of the bill felt they would. We thought the panel would be more efficient, give better notice. We thought it was going to be able to fund a number of those public groups which came in front of it to put the public case.

From the first hearing which was held in Stratford, the same problems existed. The public felt it was not heard. People did not think they had the notice, and all those old difficulties came back to haunt us, including the funding, as I mentioned earlier.

We have another example in the question of whether or not the Ombudsman's office has been effective. We could go into some long debate over the measures which might be used to fix up those deficiencies or alleged deficiencies. It is hoped the proposed appointment of the new Ombudsman will provide some renewal for that bureaucracy.

5:20 p.m.

We have a number of bodies which we have established but which have not been able to carry out the mandate we have given them. We are going ahead to try to set up a new one. We are going to try to set up a public advocate. I am not sure, in the cases we have before us, that the advocacy part of it is the difficulty. I can suggest to the members that the Canadian Environmental Law Association, for instance, provides some very good assistance in that area. The key is funding, raising the money. I agree with that.

In that sense, I have to agree with the member for Durham East and his material.

I can think as well of a couple of other places where we have to do a lot of work before we get into employing a new, almost-government employee. Although he is being funded, I understand he is supposed to keep his distance, but it is going to be very difficult in determining then whether he—

**Mr. Swart:** He has the same independence as Ontario's Ombudsman.

**Mr. Elston:** There will be eventually, one way or another, through orders and for costs or whatever. He will end up getting public money in one way or another; I am almost certain of it. But I will not debate that part of it.

The problem is, how many people are we going to have? How many advocates will be required? Is he going to be available to every person who wants to initiate a hearing about his local landfill site?

**Mr. Swart:** If you read the bill, it is not empowered there.

**Mr. Elston:** I understand that. But there is not the definition that is required to allow us to understand where they are heading with this. If the point is being made that none of the people appearing before the public hearings that are already being held is doing a sufficient job, then I think we had better allege that.

**Mr. Swart:** He cannot hire experts. Bell Canada has experts from all over the world.

**Mr. Elston:** The member for Welland-Thorold is talking to a couple of points that he probably did not think of earlier, one being how we get the expert assistance. The member for Durham East and I have talked about that in respect of the funding, because that is the critical issue in addition to getting timely information from the various government bodies.

Those are my concerns about this bill. I do not think we have learned yet how to handle the bureaucracies we have in place at this point. I still think the question of advocacy is not going to be aided by appointing some person to become a public advocate to defend the public interest. I think that will cause some public bodies, perhaps, to be excluded when it comes time to award costs under the Consolidated Hearings Act, for instance. In some ways it may deter the local people from having any enthusiasm or taking any initiative when dealing with these sorts of issues, because they will feel the public advocate will be working on their behalf.

Mr. Speaker, I appreciate your allowing me

to go on for a few seconds. I thank you for your indulgence.

**Mr. Charlton:** Mr. Speaker, in rising in support of Bill 125, I would like to start my remarks by addressing myself to the comments made by the previous speaker. If we can sort out some of the questions he has raised, perhaps we can get back to dealing effectively with the important questions that were raised by the member for Durham East.

The member for Huron-Bruce raised a number of legitimate questions, although I have to say the critical issue does not become a philosophical discussion of whether we should be getting into more bureaucracy at this time. The critical issue is the reality of experience.

**Mr. Elston:** Cutting through the bureaucracy that is there.

**Mr. Charlton:** Exactly. If members have listened to the comments of my colleague the member for Welland-Thorold, they will know we have 28 examples of a public advocate's office at the state level in the United States, and in every case it is a successful operation, although there is certainly a variation from the worst to the best.

I will use some examples from specific operations of a public advocate's office, but there is no case that one can point to where the operation of a public advocate's office has cost anybody more than that office has saved for the taxpayers of the state; there is no case one can point to where that reality is true. In fact, the opposite is true. In every case the cost of operating the office and the bureaucracy, so to speak, has been far less than the money that has been saved through that office by the public advocate for the taxpayers in the particular jurisdiction.

In terms of questions that have been raised here about public advocacy, both from a consumer perspective and from other perspectives, the most heralded consumer advocate on this continent, Ralph Nader, is one powerful supporter of exactly the piece of legislation which my colleague has brought forth here this afternoon.

I want to deal quickly with a number of the issues that have been raised. The member for Huron-Bruce mentioned the need to get on with the job of freedom of information. I want to suggest that in the case of New Jersey, the public advocate's office there took on the issue of the worker and community-right-to-know act in that state and fought that issue far more effec-

tively than any politician had been able to do, because the public advocate's office had the time and the staff to sit down and document the need for the legislation.

**Mr. Elston:** Which proponent funded that intervention? That is not an intervention in front of a board.

**Mr. Charlton:** The proponents were the workers in the communities who were interested in it. They have trade unions in the United States the same as we have here.

**Mr. Elston:** So the public advocate would become a de facto member of this Legislative Assembly as well?

**Mr. Charlton:** No. The public advocate was an advocate on behalf of the unions who were interested in this legislation.

**Mr. Elston:** He became a lobbyist.

**Mr. Charlton:** No. He became an advocate for a piece of right-to-know legislation.

**Mr. Elston:** That is a lobbyist, effectively, because he has to be on the floor of the Legislature.

**Mr. Charlton:** An advocate is a lobbyist for a position in any event—in every event. That is true of every advocate I have ever seen, heard or listened to. That is no different from a lawyer being an advocate on behalf of a client, is it? My friend is a lawyer and he should know that.

**The Deputy Speaker:** I am sure the chat between the members is—

**Mr. Charlton:** Let us not get into arguing side issues here.

**The Deputy Speaker:** Order. Please address the chair.

**Mr. Charlton:** What I am trying to point is that the public advocate accomplished something for the people of New Jersey which we have been talking about here for 20 years with no results. That is the reality, and that is the point that has to be understood.

We have also been talking about resource recovery in this province for some 20 years. The public advocate, again in the state of New Jersey, took on the question of resource recovery as it related to waste management and disposal and made more progress in one set of hearings than we have made in this province in 20 years of trying to govern. That is a reality we have to look at in terms of what we want.

We have been up in this House discussing the question of Ontario Hydro in terms of its overcapacity and its overspending as a result of that overcapacity. Again in the state of New

Jersey, the public advocate took on the utilities, in terms of both the nuclear programs and their overbuilding, questioned the need publicly and forced the electric utilities in the state to do what we have not been able to accomplish here, which was to stop the stupid overspending.

The member for Durham East raised the question of whether we needed a public advocate for local dump issues. Of course we do not. That is very clearly not what the bill says. The bill talks about the public advocate taking on tasks of provincial importance that will affect the whole province.

Again in New Jersey, as part of its role in terms of waste disposal, the public advocate's office used funds provided by waste disposers to prepare a manual for use by local community groups so they could fight their little local battles around the expansion of dump sites. That is exactly the way the process is intended to work.

**5:30 p.m.**

If we are having hearings in this province before a consolidated hearings board on what kind of guidelines we will use for future dump sites across the province, then the public advocate should take on that hearing. However, if the residents in Durham East are concerned about the expansion of the local dump site, then the local group is the group of interest and of record and it should be the one at that hearing. In the case of New Jersey, the public advocate played a very important role for local groups in terms of developing their abilities to attend and contribute usefully to those hearings.

The question of funding is an important one for the local group; there is no question about that. We are not suggesting in this bill that we should forget the arguments that have been made about funding for interveners in these local hearings. That issue still has to be dealt with. There is no question that it is a very important issue. I think we have to come to terms with that. This bill is not intended to replace that in any way, shape or form. This bill is intended to provide a role at the provincial level which is not now being provided.

As my colleague suggested, we have seen the Canadian Environmental Law Association, Pollution Probe and any number of other groups taking on individual case sites. CELA has been involved in both the Stouffville site and the Pauzé site, while Pollution Probe has been largely involved in the process around the Niagara River. There has also been the Pollu-

tion Probe case across the border where some government funding was involved.

When it came to some of the province-wide hearings which were more global in nature, there was no interested local party to take on one of those organizations as a representative. There was no representation from a public interest group such as those at the Consumers' Gas hearings, the Union Gas hearings, the Ontario Hydro hearings and the Bell hearings. The reason for that was that those groups (a) were not interested, (b) did not have the expertise and (c) had nobody to fund them. That comes back to the funding question and the case of an Ontario-wide hearing. In that instance at least, the public advocate's office can solve that funding question.

**Mr. Elston:** Who takes priority when the public advocate and a minister of the crown appear at a hearing? The public interest represented by the advocate or the public interest represented by the minister?

**The Deputy Speaker:** Order. The member for Hamilton Mountain has the floor.

**Mr. Charlton:** Obviously the public interest is being served by the person or agency that is consulting the public. If the minister of the crown has neglected to consult the public then he certainly cannot be representing the public interest, as he well knows. That is what I think the reference to the public interest is. It is the group that is prepared to take on and represent the public interest after having consulted to find out what that public interest is.

I urge all members to think carefully and to support this bill this afternoon.

**Mr. Robinson:** Mr. Speaker, I, too, am pleased to have an opportunity to enter this debate. It is one that has an interesting proposal. As my friend the member for Durham East said, they are often advanced by the member for Welland-Thorold. I am modestly disappointed that he did not have something to pull out from his under his desk on this occasion. I know from his flair for making his point that such an opportunity will be afforded to us once again.

At the outset, I want to say to the honourable member that while I was certainly impressed by the comments he was making about the advocacy role in Ontario, I had hoped he would have expanded a little bit more on some of the points that are actually contained in the Bill 125 and about which I have some measure of concern.

It is my view that the regulatory system of this province does generally operate in the public



interest. I think in its operation it does have regard, which is at most times adequate, for the consideration of the public in the various aspects and infrastructure of the regulatory system.

I am also concerned about exactly what the public interest is. What constitutes the public interest? It is my assertion that in terms of this House, we are at this time discharging, deciding, describing and defining exactly what the public interest is. It is one thing to delegate authority perhaps to the bureaucracy to have them give substance or form or simply to deliver what this House decides is the public interest. It is another matter altogether to delegate that power to a non-elected and non-appointed, on-line official, to leave it to one individual to determine exactly what constitutes the public interest.

Beyond these considerations, I do have a number of specific concerns about Bill 125. The first relates to the definition of the mandate of the public advocate in the bill. I say to my friend the member for Essex South that subsection 9(1) empowers the public advocate—and I want to get this correct—“to represent the public interest in hearings before and appeals from any tribunal or commission empowered to set or review a rate, toll, fare or charge for a product or service provided to the public.”

I submit that this is a very wide range of powers. It is essentially left to the discretion of the public advocate to determine where he will intervene. It is a very ultimate discretion, all in all, not only for him to know what the public interest is—

**Mr. Swart:** Which section are you talking about?

**Mr. Robinson:** Subsection 9(1). Where there may be two or more interests appearing before one hearing, it then becomes his very difficult task to try to determine in terms of the public interest which one of those specific interests he will represent and to which he will dedicate the resources of his office.

**Mr. Swart:** You are not reading subsection 9(1) in Bill 125.

**Mr. Robinson:** I will check it in a minute.

In making these decisions, however, he will be guided by his assessment of the importance or the extent of the public interest involved and by his assessment of whether that interest would be adequately represented without his intervention.

**Mr. Swart:** Mr. Speaker, on a point of order: Subsection 9(1) of my bill reads: “The function of the public advocate is to represent the public

interest in hearings before and appeals from any tribunal or commission empowered to set or review a rate, toll, fare or charge for a product or service provided to the public.” That was not—

**The Acting Speaker (Mr. Cousens):** Thank you. The member for Scarborough-Ellesmere.

**Mr. Robinson:** I am sure that is exactly what I read.

**Mr. Swart:** Obviously.

**Mr. Robinson:** Mr. Speaker, I am not going to take the limited time available to me to read through it again. However, I am certain that is exactly the section I read and that was the point I was making.

Back to the matter of public interest: I am trying to determine where public interest lies and who can make those judgements. I was making the point that, whatever the good judgement and whatever the integrity of any one individual, it would place a particularly onerous stress on that position to place the public trust upon a non-elected official, to have him make those judgements one way or the other and to abrogate our responsibility as a Legislature, and probably more specifically as a government, to make decisions for which we are ultimately and electorally accountable to the public.

One also has to wonder what sort of incentive or disincentive having a public advocate in place would be. For instance, a group might choose to mobilize itself, raise resources, establish a position and arrive at a hearing to find the public advocate was opposed to it. Would that be a fair use and a fair representation of a public advocate? Conversely, if a group was aware that the public advocate was on its side, would it have less incentive? Would its members be less induced to motivate themselves, believing they had this extra measure of quasi-public support to help them with their case? I do not think either of these situations encourages participation in the democratic and open process as we know it.

It also requires the public advocate to make decisions between conflicting interests in a case. It is quite possible those decisions could be the cause of great controversy that no doubt would take up considerable time back here in this House as we attempted to debate the wisdom of the advocate's choices and tried to establish which one of them might have been correct.

The member for Welland-Thorold was discussing the state of New Jersey and its advocacy

legislation, with which I am not familiar. I am sorry he does not have time available to respond, but I wondered specifically, first of all, how the public utilities in the state of New Jersey were owned. I also wondered specifically how they were regulated, so I would have some basis of comparison between Ontario and New Jersey.

More specifically than either of those points, I wondered, even though they have a public advocacy program, whether they have an Ombudsman. I do not know. I think it would be helpful in making the argument for advocacy if we could have had the benefit of those facts.

**5:40 p.m.**

The way this section is set out—and I am not going to get back into that conflict with the honourable member over what section it may or may not be—

**Mr. Mancini:** You were right, Alan, you were right.

**Mr. Robinson:** I am most prepared to accept the judgement from my friends across the way. It seems there is an opportunity here for the public advocate to involve himself not only in those very worthwhile procedures outlined by the member for Welland-Thorold but also to involve himself in such things as rent review hearings before the Residential Tenancy Commission or to make representations to any of the 42 marketing boards in Ontario.

Perhaps he has the power to intervene in such things as zoning bylaw hearings and official plan hearings at the Ontario Municipal Board, hearings of necessity under the Expropriations Act or aspects of the assessment hearings, as my friend from the Bruce Peninsula mentioned.

When it comes down to the matter of where the greater expense is in all of these things and who is to bear it, one has to take into account that we do not necessarily want to build in another layer of bureaucracy. That extra layer of bureaucracy or advocacy or whatever might unnecessarily continue to slow down a process which the parties opposite, as are we on the government side, are most anxious to continue to streamline and to make more expedient as time goes by.

I must also question the other provisions of the bill dealing with the assessment against corporations. My friend made the point and we would make the point over here, and I think rightly so, that the assessment in a corporate way would also ultimately be charged against the taxpayers and against the users of the

particular service or utility. That is something to which he might want to give further consideration.

If one can make the argument that the public advocate is in fact a civil servant or a public servant, then is not his advocacy truly on behalf of the public as a whole? And will not the public as a whole benefit from his intervention, whatever side of the issue he happens to take?

With that in mind, I would have thought perhaps the whole cost of the operation should have been charged against the public purse. We should not try to isolate specific examples and particular cases, to hold them out and to charge one party or one side of the argument if the advocate chooses in a very subjective and onerous process to involve himself in particular cases or hearings.

The bill does not address the setting up of an administrative structure through which either the public advocate would secure funding or estimates or a budget or through which he might disperse those funds. If he collects a certain percentage from corporate people, from corporate entities dealing in hearings, would all that money then be lumped somewhere? If it were sent, for instance, to the consolidated revenue fund there is no ability and no process in place to disperse it.

As I say, I would have been happy if the member for Welland-Thorold, who advances an interesting idea, had taken a few moments to expand on some of those seemingly more vague aspects of the bill.

**Mr. Mancini:** Mr. Speaker, I am pleased to participate in the debate concerning the private member's bill introduced by the member for Welland-Thorold. I had grave reservations about this bill before the debate started. Now, unfortunately, I am at a point where I cannot support the bill.

I went through the bill very carefully and there were a lot of areas which were either unclear or in my view unmanageable. They certainly would not work out in the public's interest. I would like to take a couple of moments to point out those specific areas to the members of the House, particularly section 7 of the bill where a blank cheque would be given to the public advocate.

Section 7 says we are going to give a blank cheque to the public advocate so that he may employ such officers and other employees as he considers necessary. With the wide description that has been given to us by the members of the New Democratic Party as to how this office would work, the public advocate would have to

hire hundreds and hundreds of officers. I guess they would be running around the province trying to find make-work projects for themselves. This, in my view, would be a civil servant's dream and a people's nightmare.

I would also like to point out to the members of the House subsection 9(1). There has been some discrepancy in how subsection 9(1) should read but it certainly reads that "the public advocate is to represent the public interest in hearings before and appeals from any tribunal or commission." I am told we have several hundred commissions, agencies and boards in Ontario.

**Mr. Swart:** Read the rest of the sentence, dummy.

**Mr. Mancini:** Excuse me?

**Mr. Swart:** Read the rest of the sentence.

**Mr. Mancini:** "... empowered to set or review a rate, toll, fare or charge for a product or service provided to the public." As I said earlier, I am informed there are several hundred agencies, boards and commissions in Ontario. There are several hundred of these boards.

**Mr. Swart:** Not to set rates.

**Mr. Mancini:** I realize that. It would be a job in itself for the public advocate to decide which agencies, boards and commissions actually do set these rates. Other considerations would have to be reviewed by the public advocate before he put himself in a position of intervention.

What role is this intervention going to take? Is it going to take the role of a group of ratepayers against a municipal council or regional council, or a group of ratepayers against the provincial government? We are not sure about that, are we, I ask the member for Welland-Thorold?

In subsection 9(4), it states, "If the public advocate determines that there are inconsistent public interests involved in a particular matter, the public advocate may choose to represent one such interest based on the foregoing considerations." That was outlined in the bill. We may have a public advocate who would not necessarily in all cases be representing a group of beleaguered ratepayers who wished to press a matter before their municipal, federal or provincial governments.

That in itself makes the bill so unclear as not to deserve the support of the members of the assembly. As my colleagues have already pointed out, we have to beef up the system of how we finance self-interest groups at the present time,

for example, Pollution Probe, Energy Probe and the Canadian Environmental Law Association. It is groups like these that are working on behalf of local groups who can best serve the public interest.

I wonder why we do not use our energies and what funds we can use to help beef up those groups. I can see it now. I can see the public advocate now as he moves into his new headquarters on Bay Street, somewhere on the seventh floor of a plush apartment complex or office building. One has to get through three secretaries and six executive assistants to see the public advocate. He was just chauffeured out to lunch to meet a very important person and, when he and his chauffeur return, they will be able to meet the Portuguese washerwomen who want him to intervene on some unfortunate situation that has taken place.

The last thing we need is another huge bureaucracy that pretends to be functioning for the individual groups in our community that are unable to obtain resources to make their point sufficiently heard in front of municipal and provincial governments. The last thing we need is another huge bureaucratic complex.

5:50 p.m.

Just as my time is running out here, I want to take a moment to wish the new Ombudsman well, because he has a tremendous job ahead of him. He has a really big job. I am not exactly sure if he knows just how big it is, because the huge bureaucratic complex that has been built up around his office certainly could use some work.

#### TILE DRAINAGE

**The Acting Speaker:** Mr. Ruston has moved resolution 29.

Motion agreed to.

#### PUBLIC ADVOCATE ACT

The following members having objected by rising, a vote was not taken on Bill 125:

Andrewes, Ashe, Baetz, Barlow, Bernier, Cureatz, Dean, Eaton, Eves, Gillies, Gordon, Gregory, Harris, Havrot, Hodgson, Johnson, J. M., Kerr, Lane, McLean, Piché, Ramsay, Robinson, Rotenberg, Runciman, Scrivener, Sheppard, Shymko, Stevenson, K. R., Taylor, G. W., Treleaven, Walker, Watson, Welch, Williams, Yakabuski—35.

The House recessed at 5:53 p.m.



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 Taylor, Hon. G. W., Solicitor General (Simcoe Centre PC)  
 Timbrell, Hon. D. R., Minister of Agriculture and Food (Don Mills PC)  
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 Wildman, B. (Algoma NDP)  
 Wrye, W. M. (Windsor-Sandwich L)













# Hansard

## Official Report of Debates

### Legislative Assembly of Ontario

**Third Session, 32nd Parliament**

Thursday, December 8, 1983

Evening Sitting

Speaker: Honourable John M. Turner

Clerk: Roderick Lewis, QC

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# LEGISLATIVE ASSEMBLY OF ONTARIO

Thursday, December 8, 1983

The House resumed at 8 p.m.

House in committee of the whole.

## PUBLIC SECTOR PRICES AND COMPENSATION REVIEW ACT (continued)

Resuming consideration of Bill 111, An Act to provide for the Review of Prices and Compensation in the Public Sector and for an orderly Transition to the Resumption of full Collective Bargaining.

On section 8:

**The Deputy Chairman:** We have been progressing very speedily and I do believe we are at section 8. The member for Port Arthur (Mr. Foulds) has an amendment to section 8. Do I have a copy?

**Mr. Foulds:** I believe it is in front of the chairman. I must apologize to the chair. The amendments as they were forwarded were sort of numbered wrong.

**The Deputy Chairman:** No, they are here.

**Mr. Foulds:** It is the one numbered seven, even though it is not on that section. It is on section 8.

**The Deputy Chairman:** Mr. Foulds moves that subsection 8(1) be amended by deleting the words "fact finding" in line two.

**Mr. Foulds:** Mr. Chairman, I am particularly pleased this evening to be speaking on this amendment with the government House leader (Mr. Wells) substituting for the provincial Treasurer (Mr. Grossman) and the provincial Treasurer's officials; as the provincial Treasurer speeds in his government limousine, chauffeur-driven, down to the Legislature to meet his commitments here this evening.

It did strike me that the present government House leader, who was the Minister of Education during the development of the teacher-board negotiation bill, would know a little bit more about fact-finding than does his colleague, the Treasurer.

It is interesting and illustrative of the ignorance with which the Ministry of Treasury and Economics approached this bill that it managed to include in the definition of arbitration the term "fact-finding."

As I recall, and I believe it is some eight years since we went through the processes of Bill 100, as it was then known, which had to do with the teacher-board negotiating procedure; and because teachers were afraid of being thrown fully into the labour relations fray, they felt it might be nice, in the process, to have what was called, "fact-finding" before there was a final determination on the contract, whether it came to the strike vote or whether they decided themselves to go to normal arbitration or to final offer selection arbitration.

I am certainly glad to see that the ministry officials are hustling in with the appendages, the illustrations and the information for the government House leader, who is probably as capable as the Treasurer of handling this bill.

**Mr. Wrye:** Probably more capable.

**Mr. Foulds:** On this section, more capable, even though he has been thrown over the hill or told to go over the hill on rather short notice.

In any event, I would like an explanation. Why the devil did they include the word "fact-finding" in subsection 8(1)? Surely that will lead to some terrible inconsistencies when it comes to teacher-board negotiations. Surely the ministry and the government should accept my amendment and delete the word "fact-finding," because the fact-finding process has nothing to do with arbitration.

**Mr. Wrye:** Mr. Chairman, I am pleased to join the debate on this section of the bill. Speaking to the amendment proposed by my friend the member for Port Arthur on behalf of my party, we support this amendment, should this be all we can do to section 8 of the bill. It is the view of our party that section 8 of the bill ought to be completely dropped from the legislation as it gets us into the whole area of arbitration.

It is rather ironic, as the member for Port Arthur has pointed out, that the Treasurer and his officials who wish to start a minor pilot project would make this section so all-encompassing as to capture the fact-finding stage. That makes no sense whatsoever. I join the member in hoping the government House leader or, at the appropriate time, the Treasurer himself might have some explanation.



I want to return to the general thrust of some of the remarks we on this side have been making in the last few sessions, particularly last Tuesday night, and discuss my general opposition to the overall thrust of what is in here. It takes a very dangerous and ill-thought-out step by involving us as a Legislature and the public sector of this province in an arbitration process during a transition year. Even worse, it is during a time when we are asking them to continue to show restraint; and finally, at a time when—

**Mr. Foulds:** Here comes Santa himself.

**Mr. Wrye:** I want to welcome the Treasurer back to the House. I am sure his driver is currently accepting a ticket from the Ontario Provincial Police since he appears to have arrived at amazing speed. I am sure the Treasurer will be very quickly made aware of some of the concerns we have with subsection 8(1) which we are now discussing. The issue is fact-finding.

While we are certainly not changing the concerns we have already expressed over the totality of the issue, both parties on this side would like to have some explanation from the Treasurer as to why fact-finding has been quite specifically included in subsection 8(1) of the legislation.

**8:10 p.m.**

**Hon. Mr. Wells:** Mr. Chairman, since I was already prepared to answer these arguments, I will take a minute to explain. As my friend the member for Port Arthur indicated, he and I and some other members of this House had quite a bit to do with the School Boards and Teachers Collective Negotiations Act.

If you would refer to that particular piece of legislation, section 21 is the section containing matters that may be considered by the fact-finder:

“(a) the conditions of employment in occupations outside the public teaching sector;

“(b) the effect of geographic or other local factors on the terms and conditions of employment;

“(c) the cost to the board of the proposal of either party;

“(d) the interests and welfare of the public.”

So what we see here is that the cost to the employer of the proposals of either party and the interests and welfare of the public are very closely related to the kind of things that sections 9 and 10 do in this particular piece of legislation. Therefore, fact-finders are included in section 8.

In fact, the only pieces of legislation in this province that already call for fact-finders are the School Boards and Teachers Collective Negotiations Act and the Colleges Collective Bargaining Act. Since provisions very similar to those called for in this bill already apply in general legislation pertaining to those two acts, fact-finders are included in sections 9 and 10 of this bill. Of course, since fact-finders' reports are not binding, section 6 of this act, which calls for filing with the Inflation Restraint Board, does not apply to fact-finders.

So I think it is very consistent—it is certainly not inconsistent with other legislation—that fact-finders should be included. It is all right for my friend to argue that these criteria should not apply to all this group, but since fact-finders are now charged under the section to take costs into account this just re-emphasizes that point and does not in fact change the way fact-finders will do their business under the School Boards and Teachers Collective Negotiations Act at all.

**Mr. Foulds:** Mr. Chairman, I think the Minister of Intergovernmental Affairs has just made my point. If in fact-finding the fact-finder has to do all this stuff about costing the agreement, the impact on the community and all that, why do we need it in the act?

Second, there are other sections of this act that affect the arbitration process. The government is defining “arbitration” not to include but to mean fact-finding. There is a parallelism in the wording that “‘arbitration’ includes every procedure for arbitration, fact-finding or final-offer selection;” those are parallel things. The minister is saying that fact-finding is parallel to arbitration and to final-offer selection. He is saying, then, that as this legislation affects arbitration, it affects all fact-finding. That is just nuts. That is wrong. That is bad legislation.

I am not being histrionic about it. Fact-finding is not a form of arbitration; final-offer selection is. The fact that it is part of the process leading, perhaps, to a collective agreement that can be arrived at either by agreement of the parties, by a strike and then agreement or by arbitration, should not mean that fact-finding is included as equalling arbitration.

That is my argument, and I think it is fairly simple and straightforward. I believe the minister is wrong and I am right.

**Hon. Mr. Wells:** Mr. Chairman, it is not a case of being wrong or right. What is really being suggested here is that, first of all, the words “arbitrator,” “fact-finder” and “final-offer selec-

tion" are not being repeated all the time; this is just defining "arbitration."

**Mr. Foulds:** Right.

**Hon. Mr. Wells:** What it is setting out is that the criteria that are provided for in sections 9 and 10 are to be—

**Mr. Foulds:** No, no.

**Hon. Mr. Wells:** In sections 9 and 10 where the word "arbitration" is used it means a fact-finding report. I agree with my friend that a fact-finding report is not a binding report; it is a report that is made after a fact-finder has attempted to bring the parties together. Under the School Boards and Teachers Collective Negotiations Act he has to make that report, which may be made public at times.

This goes even further than the School Boards and Teachers Collective Negotiations Act. It says this kind of information must also be provided in the fact-finder's report. The cost has to be addressed explicitly in a fact-finder's report. One can disagree that should be in there, but that is what is being suggested. That is not inconsistent with an arbitration report also suggesting the cost, because it may be that the fact-finding report will be finally accepted in the settlement of the agreement. We feel it is vital that information should be in the fact-finder's report.

**Mr. Foulds:** That is exactly the point I am making. The fact-finder does not suggest, issue, dictate or come up with an agreement. The problem with using the word "fact-finding" is that fact-finding involves a report. An arbitration award imposes an agreement. There is a fundamental difference not only in process but in law and the government is absolutely wrong to include fact-finding in the definition of arbitration.

If the government wants to say that a fact-finder's report under the School Boards and Teachers Collective Negotiations Act should include the criteria in this bill, then I am afraid if the government is going to be a decent law-maker it is going to have to bring in an amendment to the School Boards and Teachers Collective Negotiations Act. They cannot do it this way. If they do it this way they are fundamentally wrong. They are wrong in their definition. I am not going to give up on this point until the minister gives me a better explanation than he has.

The government simply cannot put into law a definition that is wrong, even if they are trying to do something by the back door in a different

act. If they want to do it with fact-finding in the School Boards and Teachers Collective Negotiations Act then they can do it, but they have to bring in an amendment to that act and they are going to have to wait till the spring to do that.

**Mr. Nixon:** Mr. Chairman, if the former Minister of Education wants to respond to that I do not want to break into the train of this discussion. Frankly, I think the member for Fort William—

**Mr. Foulds:** Port Arthur.

**Mr. Nixon:**—or one of those places—has a good point. Does the minister want to respond to what he said?

**Hon. Mr. Wells:** I do not have any copies of fact-finding reports here. My recollection is that under the School Boards and Teachers Collective Negotiations Act a fact-finder's report might provide the basis for settlement.

**Mr. Foulds:** It might.

**Hon. Mr. Wells:** Right. Then what is in—

**Mr. Nixon:** That is not arbitration.

**Hon. Mr. Wells:** I know it is not arbitration as such. What we are suggesting is that same provision that is asked for in arbitration, the provision stated in section 10 that "the arbitrator shall consider the employer's ability to pay in the light of existing provincial fiscal policy," something of that nature has to appear in the fact-finder's report. I do not see that as inconsistent.

One can oppose that in any type of report, but the suggestion is that piece of information should also be in there if the fact-finder is suggesting something for settlement, which, if accepted by the parties, could settle that dispute. It is like a voluntary arbitration. An arbitrator arbitrates and both parties are forced to accept it. A fact-finder does voluntary arbitration and says, "Here is how I think you fellows could settle this dispute." It is the same kind of judgement except it is not forced on the people.

What he has to do under Bill 111 is include within it this piece of information, so both sides and the public, when the report is made public, can see that piece of information. I could even say that might help settle the dispute.

Interjection.

8:20 p.m.

**Mr. Foulds:** I think the point my colleague the member for Hamilton East makes is that the government is then imposing limitations on

fact-finders that it has not done in the past, although it has said generally they do that. I suggest to the minister very strongly and quite sincerely that he is not going to get through this section tonight if he does not give me a better explanation. I mean that. If he takes a look at section 9, he will see immediately the problem I have. If he tries to substitute the word "fact-finder" where he sees the word "arbitrator" in section 9, he will see it cannot apply and therefore arbitration cannot be defined as fact-finding.

The minister is running roughshod over the collective bargaining process anyway. Let us admit that. He is fundamentally infringing on all kinds of collective bargaining rights and arbitration rights. I understand that. I understand the Tory majority is going to ram the legislation through. But I suggest to the minister that it is instructive just how badly flawed this bill is with the stupidity of the wording in including "fact-finding" as a definition for arbitrator.

The minister used to be responsible for education. The minister who piloted the School Boards and Teachers Collective Negotiations Act through the Legislature has just told us it is something like arbitration, but it is voluntary. There is an enormous difference. There is no such thing as voluntary arbitration. There is a voluntary process for choosing arbitration, but once one has chosen it there is no going back. In fact-finding there is going back, there is discussion and there are more processes.

I say to the minister, and I echo the words of my colleague the member for Windsor-Sandwich (Mr. Wrye), that the clause is a lousy clause. We will be voting against the clause as a whole. But I suggest to the minister that clause, lousy though it is in principle, at least should be drafted properly.

**Hon. Mr. Grossman:** Mr. Chairman, there is not a great deal that can be added which the Minister of Intergovernmental Affairs has not already said. There is not much more to be said on it. The honourable member does not think it should apply to the fact-finding process and we think it should because of the process the minister explained a moment ago. If the member wants to suggest that costing and consideration of the ability to pay in this area is not appropriate, so be it.

**Mr. Foulds:** I did not suggest that, Mr. Chairman. I think it is inappropriate, but I did not suggest that; so the minister should not put words in my mouth. He should not arrive here late and put words in my mouth.

**Mr. Nixon:** Mr. Chairman, it is our intention to support the amendment that is put forward and to vote against sections 8, 9 and 10 in the event that the amendments already proposed and those that will be proposed by my colleague are not accepted.

We should recall that, probably more than anything else, these three sections are one of the most contentious areas in the whole bill. My own feeling is that the provisions of the three sections—we are talking about section 8 but it leads into the other two sections—are some kind of sop to municipal bodies that are concerned about arbitration. The Treasurer must echo that concern to some extent, having seen that in the past the arbitration awards in some specific instances have been more generous than some of the municipal officials would have liked.

I do not think there is any doubt that there have been a few occasions when arbitration awards have been unnecessarily generous. The minister may recall one specific instance where the Legislature took action to end a garbage strike in Metropolitan Toronto. Part of the bill established an arbitrator, who was then appointed. The member for Brantford (Mr. Gillies), who is now giving his personal advice to the Treasurer, and I were particularly interested in this because it happened to be the late judge from Brant county, a very fine gentleman indeed, who was appointed the arbitrator.

The minister may recall that in those circumstances the arbitrator awarded an amount that was even in excess of the demands of the striking garbage collectors. The action of the Legislature in those circumstances could have been seen by certain people as resulting in an unnecessarily generous award. I am sure you are aware from talking to municipal officials in your own area, Mr. Chairman, that on occasion these people have felt arbitration awards have been overly generous.

I do not think it should be our role, either in this bill or in any other of our actions, however, to hamper the freedom of the arbitrator. The minister, who is very careful about these things, can argue with a certain group of people that he is moving to support their contentions that arbitration awards have been too generous or perhaps could be too generous. If he is talking to others, however, who perhaps are not concerned that way, he can say these provisions do not hamper the arbitrator in any significant way; all he has to do is be sure of the facts



provided and give thought to the ability of the municipality to raise money.

If it is a municipal employer or school board in those instances, it would be very difficult to determine what the ability of the employer or those limits might be. A hospital board is pretty well restricted, however, to the actual grants that are payable by the Ministry of Health. Both the Minister of Intergovernmental Affairs and the Treasurer are very familiar with how those grants are calculated and established.

Some hospitals, for example, are treated very generously indeed. The hospital in which the Treasurer has a permanent suite reserved in case he ever needs any quick resuscitation is even now undertaking a huge expansion, much against the wishes of the people in the area. That is another matter, of course, because the doctors of the Doctors Hospital want it and therefore they are going to get it.

**Hon. Mr. Grossman:** You supported it.

**Mr. Nixon:** My first son was born in the Doctors Hospital when it was a real hospital, when it was a real community hospital.

**Hon. Mr. Grossman:** Do you want that in Hansard?

**Mr. Nixon:** It is a marvellous public hospital, but in those days it was just a nice old home. I am very proud that our son was born there and received good care, probably at least as good as would be received now.

The Treasurer, doing his undoubted best, can say to those people who are worrying about arbitration awards being too rich that he is moving to curtail that to some extent; and to those people who feel they are going to have the right to strike taken from them by act of this Legislature that nothing in this provision interferes with whatever the arbitrator might want to do in the long run.

Personally, I am beginning to change my views on this matter. The Treasurer, although he did not respond very much to the comment, is aware of this fact. It might even keep him awake at nights; I do not know.

It seems to me more and more that this House is going to be called upon to settle strikes that have to be settled rather than opt for more and more arbitration, particularly if we are going to move, as the Treasurer intends to move, to appear to be restricting the arbitration in some small degree. My own feeling is that as long as this House is going to remove the right to strike from firemen, policemen and hospital workers, we must leave the arbitration powers unrestricted.

If we are prepared to restrict arbitration we are doing what the Premier (Mr. Davis) says we cannot do; that is, we are trying to have it both ways.

That is my own personal feeling. My views have changed on this, and I suppose they are gradually changing.

**Hon. Mr. Grossman:** Since second reading.

**Mr. Nixon:** Not at all. On second reading, I said we should be moving towards returning the right to strike to everybody, with the responsibility residing in this House to see that services for the good of the community are properly supported. I said that and it was quoted in the Star. I have never had anybody tell me I was right, but I have had several letters telling me I was wrong. I still believe it.

I would say that in the future the Treasurer is going to have to advise his colleagues that he is not going to be able to restrict the rights of the arbitrator while he continues to remove the right to strike and at the same time use his strange but undoubted powers to restrict the wage improvements that would normally go with normal free collective negotiations.

We on this side are offering amendments and are supporting the amendment of the New Democratic Party in this regard. There may be some other amendments to improve the arbitration sections, but we believe they should not be carried. While we will be voting for the amendments, we will be voting against the sections if it turns out the amendments are not accepted.

**8:30 p.m.**

I can understand the argument put forward by the Minister of Intergovernmental Affairs, the former Minister of Health and former Minister of Education, when he feels that fact-finding could be included and the requirements for the fact-finder to have all the information about salaries and so on put before him so it becomes public.

I can see the argument he is putting forward. However, we believe that arbitration is an entirely different approach from so-called fact-finding, that this phrase should not be in section 8 and that section 8 should not be in the bill.

**Mr. Mackenzie:** Mr. Chairman, this sections leads into section 9 and to sections on arbitration. I am darned sure the minister has not lost the least bit of sleep over what he is doing with this piece of legislation. I suspect the restrictions to arbitration are more of a sop to the Premier than they are to anybody else.

However, I think what the minister has to try

to understand is that what he is doing with these sections is the most fundamental interference with collective bargaining we have seen in this province. Very frankly, it is also breaking faith with hospital workers, with policemen, with firemen—people who do not have the right to strike and for whom arbitration has been their route.

It is wrong. I think it is rather stupid. What I have difficulty in understanding is the inclusion of fact-finding in section 8. Unless I am missing the point altogether in section 8, the minister is lumping together arbitration, fact-finding and final-offer selection. It says in subsection 8(1): "... this part applies, and 'arbitrator' has a corresponding meaning." What it is saying is that "fact-finder" has a corresponding meaning with "arbitrator."

I would like the minister to respond to me. He is going to set guidelines and give instructions as to limits and as to how the arbitrators can rule. Is he going to do the same thing to fact-finders, who are supposed to just dig up the information, get at the truth and supply the information?

If the minister is going to rig the books, so to speak, or rig what the fact-finders tell him, then he has it licked before he ever starts. I think the inclusion of fact-finders in the section is just plain stupid.

**Mr. Wrye:** Mr. Chairman, I want to add a word of reiteration to the Treasurer, and I would like to hear his response to it. What is said in here, and my colleague the House leader for our party has put it well, refers further to sections 9 and 10. Very clearly, to substitute the word "fact-finder" for "arbitrator" in sections 9 and 10 leads us into an almost impossible situation.

The fact of the matter is that the fact-finder is playing a very different role in a very different job from that the arbitrator. This is exactly the problem we are into with this whole ill-thought-out, quickly conceived kind of solution.

I do not want to anticipate, but I know my friend the member for Port Arthur has more amendments in section 9. I was just looking at them and at the phraseology he wishes to remove, particularly in subsection 9(1), because the wording is just so dangerous and fraught with ill-thought-out possibilities.

I think the problem is very clear. I would like to share the views of my colleagues on this matter; we would like to hear from the Treasurer a solid explanation—not what we have heard so far—as to just what is going to happen.

I know the people over there are rather

difficult and stubborn about these things—although my friend the member for Oriole (Mr. Williams) is not here tonight—but I would say to the Treasurer that perhaps he might even want to give some second thought as to the appropriateness of having this one word in the section. As my friend the member for Brant-Oxford-Norfolk (Mr. Nixon) asked, why do we not just withdraw it and get on with things?

**Hon. Mr. Grossman:** Again, Mr. Chairman, the member may not be satisfied with the general concept of having the fact-finding process subject to these criteria and guidelines; but the fundamental point, and it has been stated here by my colleague several times this evening, is that the proposition he is putting would have the fact-finding process, which often leads to the end of the process from fact-finding to final acceptance and determination, operate under different rules, different criteria and different guidelines than the rest of the process which comes under arbitration and ability to pay.

We have a fundamental disagreement on that point. He says they should operate under different rules and criteria. We say they should not. There is no other explanation than that offered by the Minister of Intergovernmental Affairs.

If this House determines that it agrees with the government that fact-finding should operate under the same criteria and rules, then this is obviously a sensible way to approach it by virtue of the definition of arbitration. There is nothing more to add.

**Mr. Foulds:** Mr. Chairman, may I have one more go at it? Can I ask the Treasurer and his officials whether they have read the School Boards and Teachers Collective Negotiations Act?

**Hon. Mr. Grossman:** Of course we did.

**Mr. Foulds:** Does he recall that the section on fact-finding is clearly spelled out and clearly has different criteria and different purposes under part III of the School Boards and Teachers Collective Negotiations Act than does voluntary binding arbitration, which is in part IV of the act, and final offer selection, which is part V of the act?

What I am saying to the Treasurer and to his officials, as carefully as I can, is not that we have a difference, not that he says these criteria should apply and we say they should not apply; what I am saying to him is that they cannot apply. One cannot interchange fact-finding with arbitration. They are two entirely different processes as it is spelled out in this act.



I also point out that in subsection 8(1) the bill says, "arbitration" includes every procedure for arbitration, fact-finding or final-offer selection applicable by statute to employers, and to employees to whom this part applies, and 'arbitrator' has a corresponding meaning." One cannot do that. It is not just that it should not be done, it is not just that his act should not apply to fact-finding; it cannot do it.

Let me read, if I might, section 14 of the School Boards and Teachers Collective Negotiations Act. It says: "The commission"—the Education Relations Commission—"shall appoint forthwith a person as a fact-finder during negotiations to make or renew an agreement if the parties have not referred all matters remaining in dispute between them to an arbitrator or a board of arbitration as provided in part IV or a selector as provided in part V . . ."

In other words, the role is an entirely different one. I say to the Treasurer as a legislator, and as people who should be concerned about legislation—I would disagree with any such legislation and I would vote against it—but if he wants to apply the criteria he is applying to arbitration to fact-finding then he has to do it specifically to that statute in which fact-finding is described. In other words, he has to bring in legislation amending to the School Boards and Teachers Collective Negotiations Act.

8:40 p.m.

If I may use the term because I know no other, here he is bastardizing the process and he is bastardizing his own law. He is making this one laughable. It is symbolic of the ignorance, and I do not use that word pejoratively, that the people who drafted the legislation have about arbitration and its meaning and about fact-finding and its meaning. I really would ask the Treasurer to reconsider and to withdraw that word.

I have not yet heard a satisfactory legal explanation. I have heard a minister's political explanation and I accept it, even though I am going to vote against it. I understand what a political explanation is. I fundamentally disagree with it, so I am going to vote against it. But I have not heard a satisfactory legal explanation. I would like to hear a satisfactory legal explanation.

**Hon. Mr. Grossman:** The draftspersons on something like this follow the procedure which is absolutely normal and which, with respect, the member for Port Arthur has voted for on a thousand different occasions in this assembly.

There have been all sorts of pieces of legislation where, through a definition clause, certain portions are covered, which is not to say that this act makes arbitrations and fact-finding circumstances the same process.

**Mr. Foulds:** It does.

**Hon. Mr. Grossman:** It does not. If the member will look at this act and look at the thousands of others where certain things have been brought into coverage and put in effect by way of including, for the purposes of this act, for the coverage of this act and the operation of this act, certain other things, that is a totally normal procedure. With respect, I say this very sincerely, I understand the member's sensitivity about arbitration and making sure arbitration and fact-finding, in terms of all the laws of the province and the way they operate, stand as distinct and important entities.

For the purposes of this legislation, and that is all this is for, this is the way the legal draftspersons step into the coverage of that particular exercise. That is why we keep talking about the fundamental question being whether fact-finders are covered or not. This is a very routine method of draftsmanship. One just steps into it in this way. It does nothing whatever to change the integrity of the process other than to apply the criteria, costing and ability to pay, to that process by stepping in through this legal drafting procedure. That is all this is.

**Mr. Foulds:** The minister is stepping into it, but what it is he is stepping into I cannot describe in parliamentary terms.

In fact, the minister is attacking the integrity of the fact-finding process quite separately from attacking the integrity of the arbitration process. By trying to make them parallel he is doing a great disservice to both.

**Mr. Mackenzie:** Mr. Chairman, I do not understand the minister's political answer, quite frankly. I do not know what is lost by the minister in terms of a separate procedure. If he is going to follow through with sections 9 and 10 and if he is going to, in effect, give instructions or guidelines to arbitrators, I do not have to agree with that—I obviously do not—but they are making the decision. Surely he does not want the inference left there that the same kind of guidelines or instructions are given to the fact-finders. Surely what he wants is to have the fact-finders still bring in as clean and clear information as possible for the use of the arbitrator. Surely we do not want to put restrictions on fact-finders.



The arbitrator makes the decision. I understand what the minister is doing, as much as I abhor it in terms of the legislation and that angle; but in terms of fact-finders the inference is exactly the same. To me, that does not make it just a routine way of doing this bill. It makes it doubly dangerous.

I appeal to the minister—I am trying my darnedest not to be emotional on the issue—do not put the same kind of instructions on to the fact-finders. It does not make sense and he does not need to do it. I do not know how he will be hurt by it if he removes at least that from this bill. Otherwise, we have no really clean, clear, independent information. We are not assured of it being given even to the arbitrators.

**Mr. Wrye:** Mr. Chairman, just as one last try on my part on this, I would like to remind the Treasurer that after all, as he has assured us throughout this process, we are talking in this transition year about a situation where there will be no exact and total five per cent guideline. His transfers are in a sense a guideline, there is no doubt about that. We on this side admit that.

As I understand, all that will be happening is that reports will be coming to the Inflation Restraint Board and the Treasurer as to where there are "violations," if he wants to call it that, where there are excesses. For some of them, and I am sure he will agree as time goes on, especially with those groups in nursing homes and others who are particularly lower paid, we would hope there would perhaps be some improvement over the five per cent level.

In essence, what I really cannot understand here is that he is fooling with a second process. He is fooling with the arbitration process and now he is fooling with the fact-finding process. It might be understandable to me in political terms if there was something to be had at the end of the game, but there is nothing to be had at the end of the game, so why do we not limit our ill-thought-out and ill-conceived fooling around to the arbitration process and not have to try to put back together perhaps not only that process but put back together some kind of a mess we may inadvertently make of the fact-finding process while we are at it?

**Mr. Rae:** Mr. Chairman, can the Treasurer tell us if it is his interpretation that wherever the word "arbitrator" appears in sections 9 and 10 we should substitute for that the word "fact-finder" or "fact-finding"? Is that his interpretation?

**Hon. Mr. Grossman:** Yes.

**Mr. Rae:** How can he then argue that he is not looking at a change to a separate process in addition to the arbitration process?

**Hon. Mr. Grossman:** I am sorry. Just before the member got here we had covered the fundamental point where it is quite clear that for the purposes of Bill 111 we do intend to effect the fact-finding process by having them obviously cost those portions which they are intending to recommend and have them consider ability to pay. We are effecting the usual fact-finding process by having them consider the same criteria and go through the costing as we are asking for the arbitration process.

The point I was making to the member's colleague when he came in was that the fact that we have accomplished that goal by virtue of a definitional approach should not be taken as saying that fact-finding is, for purposes of other legislation or in terms of the fact-finding process generally, suddenly made an arbitration process. It is not. It is just the way we step into getting the costing and ability to pay into the fact-finding process.

**Mr. Foulds:** Mr. Chairman, if I could just point out, under section 21 of the School Boards and Teachers Collective Negotiations Act they already have that. The cost to the board of the proposal of either party is one of the things the fact-finder has to agree to. So it is not needed. That was the argument by the Minister of Intergovernmental Affairs, which I agreed to, that the minister did not need this.

Second, let me just point out to the Treasurer that in section 24 of the School Boards and Teachers Collective Negotiations Act the report of the fact-finder is not binding. It is entirely different from the arbitrator process. Here, if I may say so, he is bastardizing both legal language and the processes and he is fundamentally wrong.

**Hon. Mr. Grossman:** We have covered the second point. I am sorry I cannot add anything more than I have said. On the first, the member is right of course. On costing, the fact-finder must consider the cost under the School Boards and Teachers Collective Negotiations Act, but that is not the same as then proceeding to the statement of costing, which is required under Bill 111.

8:50 p.m.

**The Deputy Chairman:** We have before us an amendment by the member for Port Arthur (Mr Foulds), that subsection 8(1) be amended by leaving the words "fact-finding" in line 2.

Is it the pleasure of the House that the motion carry?

All those in favour will please say "aye."

All those opposed will please say "nay."

In my opinion the nays have it.

Vote stacked.

**The Deputy Chairman:** Does the member have any further amendments to section 8?

**Mr. Foulds:** I have no further amendments to section 8.

**The Deputy Chairman:** Is there any further discussion on section 8?

**Mr. Foulds:** I want to stay on section 8. I want to say very briefly that this is fundamentally wrong. It is wrong-headed. It has, as many people have said, interfered unduly and unjustly in the arbitration process. As the minister has insisted on writing the legislation, it is going to wreak particular havoc on those professions like the teaching professions, but more particularly on the police and firemen.

I suggest that the anger and determination that we saw by the representatives of the police association is something that this government should consider because we were told very clearly they are going to boycott the arbitration process and they are going to challenge this section in the courts.

That is something the government should be very well aware of because it has lost every battle that the Attorney General (Mr. McMurtry) has taken into the courts. It has lost on Bill 179, and I am convinced that it is going to lose on this one. The government cannot, by law, take away full, free collective bargaining and offer arbitration as an alternative and then limit the arbitration and straitjacket the arbitrators. The government is going to find itself in one hell of a mess if this section passes. We will be voting against it in an attempt to save the government from itself.

On section 9:

**Mr. Foulds:** Mr. Chairman, once again I want to get on the record the comments in the clause-by-clause that the speakers for this party put on the record on second reading.

This section is fundamentally wrong. It is fundamentally destructive of good neighbour relations in this province. It is destructive of good neighbour relations in an area where we have had no trouble. There was basically no trouble in arbitrations, in terms of labour relations, either for firemen or for policemen in particular. There has been some trouble when it comes to arbitration in the health sector.

But at least in that sector, particularly with the awards that my colleague the member for York South (Mr. Rae) brought up, the Sensenbrenner Hospital awards and the nursing home awards, there was a genuine attempt by the arbitrator to catch up, to right a wrong. What the government is doing with this kind of legislation is to limit that freedom. It is limiting not only the freedom and the right of the arbitrator and destroying that process, it is limiting the fundamental right of a human being providing a necessary service for this province to get a just return for that labour. That, as I said, is fundamentally wrong and fundamentally unfair.

Being bullies is nothing new for this government. That is its stock in trade. That is what this legislation is all about. That is what this clause is all about. It is bullying people into doing its dictatorial will.

Having made those general comments, I would like to move that the words "in the form and manner specified by the board" in subsection 9(1), lines 6 and 7, be struck from the bill.

I would also like to move that the words "and indirect" in line 8 be struck from the bill.

I would also move that the words "of any change to the terms of employment that is to be made as a result of the award or decision" in lines 11, 12 and 13 be struck from the bill.

**The Deputy Chairman:** Mr. Foulds moves in—

**Mr. Rotenberg:** Dispense.

**The Deputy Chairman:** Dispense? Thank you. The member for Port Arthur.

**Mr. Foulds:** I am certainly glad the member for Wilson Heights (Mr. Rotenberg) moved to dispense, as I do not think he has even bothered to read the amendments.

**The Deputy Chairman:** He probably did not get a copy.

**Mr. Rotenberg:** Mr. Chairman, on a point of privilege: I did not read it because I was not supplied with a copy. I sat here, listened to it and comprehended it. There was no reason to have it read twice. I resent the insult and I think it should be withdrawn.

**The Deputy Chairman:** That is not really a point of privilege. The member for Port Arthur will disregard it. I did.

**Mr. Foulds:** I would be glad to supply any of the members with any of the amendments I am proposing—

**The Deputy Chairman:** Just speak to the amendment. We do have work before us.

**Mr. Foulds:** I certainly withdraw any slur I may have inadvertently cast upon the member for Wilson Heights. This is a chamber that is so delicate, so high-flown in debate and so erudite that even the word "political" cannot cross our lips in debate, as the Speaker has ruled. If the tender feelings and the thin skin of the member for Wilson Heights have been singed by any inadvertent remarks I made, I certainly withdraw them. I would much rather have made them directly than inadvertently.

To return to the subject, giving the board the power to have a rigid straitjacket "in the form and manner" in lines 6 and 7 indicates the authoritarian nature of the legislation. It is like an exam where one has to fill in the blanks. I can imagine the bureaucratic forms that will be designed. They will have to be filled in and may not even apply. One of the things this law does not take into account is the differences and variety in human nature and situations and collective agreements, whether they be by arbitration or by full and free collective bargaining or whatever. It simply does not take them into account.

I do not know what the heck this form is going to look like. I would like to have one tabled when the government gets it designed. They are obviously going to have to design it when the Legislature is not sitting. I would love to have a copy of it sent to me between sittings. I suspect it is going to be very rigid. If it is not, they might as well be given a piece of foolscap to write their own report in the first place. The foolscap idea makes a lot more sense.

I think the words "and indirect" should be struck. I would like to know what Solomon is going to determine the indirect cost of agreements. I want to know what they mean by "indirect." That is not defined anywhere in the bill. If one goes on a different shift and there is a shift allowance, how do we take into account that extra shift allowance if we do not know how much overtime is going to be worked? I use that as an example.

If there is a travel allowance in an agreement, as there often is in agreements in northwestern Ontario, and if it is based on mileage, how do we work out the indirect costs of that to the employer? We can get only an approximation at the very best because we do not know how many miles every employee is going to have to travel to get to work.

9 p.m.

How do we estimate the travel costs of members of the Legislative Assembly? We never know how much travel we are going to do. If we actually take down our mileage we find it is usually steady, but it can fluctuate a lot. Occasionally it may even depend on the members. There may be some members who stop taking the train. They may have to drive their cars and actually charge for the kilometres. I point out that I do not think that is a realistic criterion at all.

Finally, I have moved a motion to remove the reference to the terms of employment. That will be in line with the amendment I made to clauses 1(m)(i) and 1(m)(ii) of the bill. I will not repeat the argument I made about the stupidity of including terms of employment in this bill in the first place because I believe they are on the record. I just want to say that including it here once again illustrates the stupidity of the bill.

**Mr. Wrye:** Our party will support this amendment as it is, though we want to reiterate, as my friend and colleague the House leader for our party said, we will be voting against section 9, as we will be voting against sections 8 and 10.

**Mr. Kerrio:** He did not ask me.

**Mr. Rae:** We know where you stand, Vince.

**Mr. Mackenzie:** To the right of Attila the Hun.

**Mr. Wrye:** Attila was a pretty good guy.

I could not help thinking, as my friend the member for Port Arthur was speaking, of these poor arbitrators. I am sure they barely passed a 100-course at university. They are obviously third year, high school dropouts. Here are these poor people and we are going to help them again. We are going to give them a form. Maybe it will be a true or false form. Is that not really silly? Who will draw up these forms? Probably somebody at the board or in Treasury and Economics. We have seen how some of the board is operated. Having them draw it up is a frightening thought.

Why we do not let the arbitrators just try to muddle through and do their best out of this mess is really beyond me. It seems to me they will probably provide a much better explanation. I am sure they will be diligent, as they are about everything else, once they figure out how they will go about doing this whole process.

The other matter I wanted to comment on was the indirect cost. I would like to hear from the Treasurer what we are talking about here. No wonder nobody wants to be an arbitrator any longer under this legislation. Arbitrators very



often have to wade through a very complex exercise in the first instance. It will probably take them just as long to wade through the exercise the Inflation Restraint Board and the Treasurer are placing before them in terms of trying to get all this information out.

We will be supporting this amendment, in the knowledge that we do not favour the section as a whole as it refers to the whole arbitration process.

**Mr. Mackenzie:** I think it is worth going over the fact that for tens of thousands of hospital workers in this province, for tens of thousands of employees under the Crown Employees Collective Bargaining Act, for fireman and for policemen, the right to strike was given up. The sawoff was the right to arbitration. The right to arbitration, being controlled as it will be without changes in this section—indeed the section should be removed entirely—is a complete negation of the deal that was made with all these thousands of employees. What this government and the Treasurer are doing is breaking faith with them in a serious way.

I would remind the Treasurer of the very eloquent testimony that came from many of these people, and probably none more than from the police associations and the firefighters in this province. They have not had the right to strike. In giving it up, as did thousands of other workers, they had the right to arbitration. This minister is now effectively taking that right away from them. That is what should be on the record very clearly in this debate. I do not really give a darn about the mechanics of the wording. I just want it clearly understood exactly what he is doing and how he has broken faith with these people by taking away what was the trade-off for the right to strike.

**Mr. Charlton:** Mr. Chairman, I think my colleagues have put the basic arguments with respect to this particular question around arbitration rather well, but there is one point I think has been missed here in addition to the deal and the good faith and the replacement of the right to strike with the arbitration process.

The Treasurer, being a youngster and not having been around here when those deals were made, needs to understand a number of other things. I recall, because I was working in the civil service at the time the deals were made, the mistrust that existed when the civil service in this province gave up the right to strike and was faced with the process of compulsory arbitration to replace it. I recall the absolute mistrust that existed; I recall the absolute abhorrence in

the civil service in this province at even trying the arbitration process. If the minister will take the time to check the record, he will find that for three full years after the tradeoff was made there was virtually—and I am not saying absolutely—no use made of the arbitration process because nobody trusted it.

We came down a very long and difficult road between 1973 or 1974 and 1977 or 1978, when some trust finally started to develop. After that trust started to develop and the process started to be used, the trust grew because the process was working. What the Treasurer is in effect doing now with his bill is taking the trust in the arbitration process that took a full decade to build in the public sector of this province and destroying it with one fell swoop in this bill.

I call the Treasurer a youngster because he has not experienced what happened a decade ago. He was still sitting in the back benches or was not even in this place when it all happened. What he is doing with the arbitration process in this bill is setting collective bargaining in this province back 10 years; it is going to take us 10 years to recover from the new lack of trust that will develop as a result of what he is doing to a process that was a tradeoff for the right to strike.

The public sector in this province did not like it when it was imposed a decade ago, but finally they accepted it and began to use it and make it work. Now he is going to take all of that away and distrust will evolve as a result of what he is doing here now. He will be up in this House squawking three and four years from now when they refuse to make the process work again because they no longer trust him. I want him to think very seriously before he proceeds any further.

**Mr. Chairman:** Shall the amendment carry?

All those in favour will please say "aye."

All those opposed will please say "nay."

In my opinion the nays have it.

Vote stacked.

**Mr. Charlton:** Mr. Foulds moves that subsection 9(2) be deleted from the bill.

9:10 p.m.

**Mr. Foulds:** Mr. Chairman, I find this to be just the strangest section in the whole bill. If the agreement, the decision or the award is for less than 12 months, he requires the cost or saving to be stated as if the change were in effect for a period of 12 months. He knows what that does, does he not? That is a deliberately provocative section to any group of employees.

He knows what the headlines will read, "Work-

ers get 20 per cent increase." They will not. It will not be for the full year. It will only be for part of the year. It will completely distort what he is pretending and what I think he is lying about—I withdraw that word, Mr. Chairman—to be the purpose.

He is pretending the purpose of the legislation is to get all the information out. By saying an award of three months, or six months or nine months has to be costed and made public as if it were a 12-month award is sheer distortion. Once again, it is surely wrong. I would like the minister to try to explain why he is doing it this way.

**Mr. Wrye:** Mr. Chairman, we will be supporting this amendment. At one point we were going to move this same amendment to delete this section but somehow in gathering together our group of amendments this one was missed, so I must say we are in full agreement with the amendment to strike subsection 9(2).

**Hon. Mr. Grossman:** Mr. Chairman, in response to the question, our concern here was simply that we do not have contracts entered into during this period of time which would seem, in all other circumstances, to comply with Bill 111 but would have the effect, in essence, of back-end loading the agreements so when they come out of the year under Bill 111 they do not have a clause put in for the last month or the last 20 days or something that has a step-up of 15 per cent which, of course, will establish a new and significantly higher base for the year following this control year.

**Mr. Chairman:** All those in favour of the amendment will please say "aye."

All those opposed will please say "nay."

In my opinion the nays have it.

Vote stacked.

**Mr. Chairman:** Mr. Foulds moves that subsection 9(3) be amended by striking the words "directly and indirectly associated with any change that the party submits should be made to the terms of employment" in lines four, five and six.

**Mr. Foulds:** Mr. Chairman, I want to make the argument again in order that my amendment on subclauses 1(m)(i) and 1(m)(ii) with reference to the terms of employment, which is undoubtedly going to carry when we get to 10:15 p.m. and have all these stacked votes, would have to carry for the legislation to be copacetic.

**Mr. Chairman:** All those in favour of the amendment will please say "aye."

All those opposed will please say "nay."

In my opinion the nays have it.

Vote stacked.

On section 10:

**Mr. Chairman:** Mr. Wrye moves that section 10 be amended by adding thereto the following subsection:

"Where an arbitral award is made pursuant to the act that exceeds five per cent, provincial transfers to the employer shall be calculated on the basis of the actual compensation increases awarded by the arbitrator."

**Mr. Wrye:** Mr. Chairman, I would say at the outset that we find ourselves in a strange position again; we do not favour the section but we would wish to at least add this to it.

Our sense and the sense of the municipalities is—and I know the Treasurer would want to be sensitive to the municipalities since his colleague is having so much trouble with them—the municipalities sense they are really in a double jeopardy situation here in terms of the five per cent limitation. Where they are in a collective bargaining process under which the employees can withdraw services the municipalities or school boards simply have to take that into consideration. Not only do they have to take the dictums of this government into consideration in terms of provincial fiscal policy, they must also consider, as will the employees, the situation that exists in terms of going a little over five per cent.

On the other hand, in terms of arbitration, the hands of the employers—in this case the municipalities, and I am thinking most clearly in reference to the police and firefighters—are completely tied. They may in good faith believe they cannot afford one nickel over five per cent. If they were in a free and full collective bargaining process with a possible withdrawal of services at the end of the line, they could have made that point and the employee groups would have had to make their determination on that basis.

In this case it may be the matter will go to arbitration and the arbitrator, keeping current existing provincial fiscal policy in mind, may nevertheless make a determination that the award should be somewhat higher than five per cent.

My colleagues and I simply wish to ensure that if that determination is made, the province will be there with its always-generous share of

the transfers to protect the municipality and the poor, overburdened taxpayers who find their property tax, that very regressive tax, continues to rise at an alarming rate because of the very inadequate levels of transfers from this government.

In this age of restraint, we certainly would not want to pass along the burden any more than we already have to those poor, underfinanced municipalities.

**Mr. Foulds:** Mr. Chairman, we will be supporting this new subsection.

I have a further subsection to add, Mr. Chairman. Do you want me to move it at this time?

**Mr. Chairman:** No, I think we had best deal with this matter first.

**Hon. Mr. Grossman:** Mr. Chairman, I would just point out to the honourable member that if this were to be accepted then it would be an overwhelming invitation to the municipalities to go to arbitration, unless he would propose that the province flow the extra moneys for a negotiated settlement in excess of five per cent. Then, of course, when the municipalities go to arbitration there would be no risk for them. They would be held to the five per cent and then the province would top up any excess given by any arbitration.

If he would just think about it for a moment, he would really have to say that to keep the process balanced and sensible and to avoid everything ending in arbitration, we would have to make this apply to all negotiations, in which case the bill becomes meaningless. He should remember he does support other parts of the bill. In the alternative, he would have to accept the fact this amendment would send everyone to arbitration.

9:20 p.m.

**Mr. Foulds:** Mr. Chairman, we do not support the bill, we believe this clause would help to render the bill meaningless, and we will support any attempt to do that. That is exactly the reason we are supporting the amendment. For once, the Treasurer has put an argument that I could understand and agree with. Unfortunately, we have come to different sides and different conclusions on the way we vote on this.

**Mr. Chairman:** Shall the motion carry?  
All those in favour will please say "aye."  
All those opposed will please say "nay."  
In my opinion the nays have it.  
Vote stacked.

**Mr. Chairman:** Any further amendments to section 10?

**Mr. Foulds:** Mr. Chairman, I want to amend it by adding the following subsection—I guess it will be subsection 4, as the member for Windsor-Sandwich added subsection 3—"This section expires on the first day of October 1983." There is a misprint on the paper. I put "1984" when I meant to put "1983."

I will speak to that, Mr. Chairman.

**Mr. Chairman:** Mr. Foulds moves that section 10 be amended by adding the following subsection:

"(4) This section expires on the first day of October 1983."

**Mr. Foulds:** Mr. Chairman, as you well know, one of the great talents the Provincial Secretary for Justice (Mr. Walker) had in the few moments of the ascendancy of his career was that he was in favour of sunseting most legislation. Unfortunately, his career has been sunsetted, but the principle lingers on.

If it is a good principle, I believe in carrying it to its logical conclusion. What we have here is a piece of legislation which the Treasurer says is only for one year and should be sunsetted. I agree it should be sunsetted, but I do not agree that it should be for one year.

As we cannot move to delete clauses from a bill—we cannot propose a motion to delete a whole clause—I am proposing this subsection which, if passed, would completely nullify the bill and especially these sections. It would mean this section would have never come into effect, it being passed October 1, 1983.

I move this in all seriousness in an attempt to amend the legislation fundamentally so that the section simply will not apply. The whole section on arbitration will be thrown into, as they say, a cocked hat.

**Mr. Chairman:** As per the discussion we had in committee on this bill earlier in the week, this motion is out of order. The member has the opportunity to vote against that section.

**Mr. Foulds:** Mr. Chairman, if you are going to rule it out of order, I will then move that "This section expires on the first day of October 1984."

**Mr. Chairman:** That is fine.

**Mr. Foulds:** It is not fine.

**Mr. Chairman:** I meant it was fine from the point of the rules of order.

**Mr. Foulds:** I thought I made the argument quite consciously about why it should not come



into effect. However, let me argue quite seriously for a minute.

**Mr. Chairman:** Let me just put the question to the members.

**Hon. Mr. Grossman:** Dispense.

**Mr. Chairman:** Okay. Dispense.

**Mr. Foulds:** Mr. Chairman, I want the Treasurer and his officials to pay attention to my argument if they can. They have assured us time and time again that this bill is going to be in effect for only one year. They have assured us time and time again that they do not want to intervene permanently in the arbitration process. They go back to other clauses in this bill which say it expires at such and such a time.

I suggest that there is nothing in this bill which makes all its clauses expire on October 1, 1984. In other words, I suggest the bill does have a permanent and fundamental effect on labour relations in this province. Therefore, I want to make it absolutely crystal-clear that the argument about ability to pay, which we reject in its entirety and which we will be voting against, nevertheless is going to be steam-rollered through. The government juggernaut is going to get that through. It may not be until January or February of 1984, but the government will get it through.

However, I want to make it absolutely crystal-clear, if this juggernaut of a dictatorial, insensitive Tory government carries through with its intention to pass the bill, that with respect to this limitation on the arbitrators the legislation actually lives up to the promise given by the Treasurer in words in the Legislature but not in the legislation. In other words, I want genuinely to sunset it. I want genuinely to sunset this particular clause, which says that "the arbitrator shall consider the employer's ability to pay . . ."

We consider that a bad principle and we are going to vote against it. But it is such a bad principle that even the Treasurer has said it should not be a permanent part of the law; he has admitted he only wants to have it temporarily. Therefore, I suggest, let us put it in the legislation and make sure it is only temporary.

**Mr. Wrye:** Mr. Chairman, we will be supporting this amendment, which I agree with my friend the member for Port Arthur is an important one. I would hope that the Treasurer for his part would either support this amendment or explain why he is not supporting it, because he has been adamant throughout that this is not a permanent arrangement but is a temporary arrangement for the transition year.

We in our party believe it is bad policy and

bad legislation to try something that has not been tried before at this time, without proper study—without any study whatsoever really, because he is going to have a study. We think it would send out, on his part at least, a signal that would provide some degree of relief to those who are going to be captured by this part of this legislation and who are very upset about it, if he were to stand in his place and say, "I will put a sunset provision to this one part of the legislation."

In debate the other night the Treasurer gave me a long argument as to why in this transition year it was important even without studies to put this arbitration process in place. On this side we do not accept that argument, but that is the argument the Treasurer made, that in this one transition year, one year, it is important that this process be put in place.

All my friend the member for Port Arthur has suggested, and all we are supporting, is that if that is indeed the Treasurer's argument, let us take it to its logical and consistent conclusion and put a sunset provision at the end of that year. That is why for our part we will be supporting this amendment and why we would urge the Treasurer to make a statement that might go some small degree towards making the workers of the province who will be captured by the arbitration process feel that perhaps it is only something the Treasurer wants for one year, and not some back-door approach which we will have for a long time to come.

**Hon. Mr. Grossman:** Mr. Chairman, I point out to the members—I know it is not in five words—that it is quite clear under section 1 and section 8 of the bill that the terms apply only to those contracts that come in this next year. It only applies for one year. It is quite clear.

**Mr. Foulds:** I did not hear the two sections the Treasurer referred to.

**Hon. Mr. Grossman:** Clause 1(l) and subsection 8(2).

**Mr. Chairman:** All those in favour of the amendment will please say "aye."

All those opposed will please say "nay."

In my opinion the nays have it.

Vote stacked.

9:30 p.m.

On section 11:

**Mr. Chairman:** Mr. Foulds moves that clause 11(1)(g) be amended by striking out the words "and 'terms of employment'" after the words "restraint period" in lines 3 and 4.

**Mr. Foulds:** Mr. Chairman, I am not going to speak to this amendment. I have made the arguments on it. This just makes it compatible with and parallel to the other references where I have had "the terms of employment" struck, and I do not need to repeat those arguments.

**Mr. Chairman:** Is it the pleasure of the committee that the amendment carry?

All those in favour will please say "aye."

All those opposed will please say "nay."

In my opinion the nays have it.

Vote stacked.

**Mr. Chairman:** Mr. Foulds moves that clause 11(1)(b) be amended by deleting the words "adding to or" in line 1.

**Mr. Foulds:** Mr. Chairman, I always resent sections such as section 11. I resent the way this government for 40 years has drafted its legislation, which basically takes away the rights of the Legislature. I basically resent the way they give to the Lieutenant Governor in Council, i.e. the cabinet, enormous powers to make regulations, and I want to put on record my general opposition to that kind of wide-ranging clause in this kind of legislation.

I particularly want to delete the words "adding to or" in this section because I believe they pinpoint once again the arbitrary, authoritarian and dictatorial arrogance of this government. What we are doing if we give the Lieutenant Governor in Council the right to add to the schedule that is bound by this bill, "any person or any class of persons or any agency, authority, board, commission, corporation or organization of any kind," is passing dumb, bad, stupid, Nazi-like legislation.

**Hon. Mr. Grossman:** Hey, come on. Withdraw that word. Just clean up your act.

**Mr. Shymko:** Withdraw your statement about Nazis.

**Mr. Foulds:** Okay, I will withdraw "Nazi."

**Hon. Mr. Grossman:** You have been disgraceful on several occasions, and that is stepping over the line. You ought to be ashamed of yourself, and I hope that stays in Hansard because, let me tell you, it is typical of some of the things you have been saying.

**Mr. Mackenzie:** What you have been doing to people is really disgraceful. It is disgraceful legislation.

**Mr. Chairman:** Order. The member did withdraw it, correct?

**Mr. Foulds:** Mr. Chairman, let me just say that I understand the minister's sensitivity. I

apologize to him in the most profound way because of that particular word and considering the minister. I cannot tell him, frankly, just how profoundly sorry I am, and I apologize abjectly, considering the situation.

However, let me also say that I hope it does not take away from my argument, because what it does is to give the minister and this government totalitarian powers, whether those totalitarian powers be of a government of the left or of the right. I suggest to members that the clause itself means this government can incorporate under the legislation any person, any corporation or any organization, and not merely public ones.

What this clause does is to say that the Lieutenant Governor in Council can add any agency or authority to the schedule that is governed by this legislation—it does not say any government agency or authority—it says any board, commission, corporation or other organization.

I suggest this clause gives to the government the power to limit the wage and compensation packages of people in the private sector. I thought that was something this government was against, and I would very much like an answer from the minister.

I know why the minister has retired in anger and is upset, but I really would like an answer before we proceed with debate on the bill. My interpretation is that this gives the government the totalitarian power not only to extend the bill to those people included in the schedules that are there but also to add to those schedules the Kiwanis Club of North Bay, for example. I would suggest that until we have that answer from the minister, we should not proceed.

**Mr. Wrye:** Mr. Chairman, our party will be supporting this amendment. As we watched the seemingly interminable process of Bill 179 unfold, I remember being in the standing committee on administration of justice, I believe it was—the minister may remember those days when we considered Bill 179—and one of the concerns that we had and that was expressed during that committee was what might happen after the legislation came into effect with the regulations.

It seems to me that the motion by my friend the member for Port Arthur is appropriate in that the clause does offer too much power to the Lieutenant Governor in Council, for example, to add other organizations that we in this place might wish to have argued and to have suggested to the government should not be added, and it

takes out of the Legislature's hands powers that perhaps should be in our hands.

With those few remarks, we will be supporting this amendment.

**Mr. Chairman:** Is it the pleasure of the committee that this motion carry?

All those in favour will please say "aye."

All those opposed will please say "nay."

In my opinion the nays have it.

Vote stacked.

**Mr. Chairman:** Mr. Foulds moves that clauses 11(1)(f) and (g) be deleted.

There is one thing that the member might help us with. He has already moved an amendment to clause 11(1)(g), referring to lines 3 and 4; we stacked that.

9:40 p.m.

**Mr. Foulds:** I moved that it be deleted from the section. I am now moving that clauses (f) and (g) be deleted from the bill.

**Mr. Chairman:** My only problem is that the member has an amendment on (g) and we have a stacked vote. Now he is proposing to delete (g), which gives us a problem.

**Mr. Foulds:** What does it do?

**Mr. Chairman:** It gives us a problem. We are going to vote on it.

**Mr. Foulds:** I cannot hear you, Mr. Chairman.

**Mr. Chairman:** I am saying that we already have the amendment of the member on subsection (g). Now we have his discussion for deleting that same section that he previously moved.

**Mr. Wildman:** Mr. Chairman, on a point of order: Surely the problem with this is the very fact that we have an agreement to stack votes. That is the difficulty. The point is, if we were voting on each amendment as it was put and debated, and if the amendments that were put to the sections did not carry, then subsequent to that an amendment could be moved to delete sections.

But importantly, since we are stacking we do not have the luxury of seeing whether or not the amendments carry. We cannot then, after we have agreed to stack, delete the amendment until after we see whether the amendment carries. That is why we are in this situation. It is simply because of the agreement to stack.

**Mr. Chairman:** The member is probably right that the problem is because of the agreement to stack. We should be able to deal with them separately and move on.

**Mr. Foulds:** Pardon me?

**Mr. Chairman:** Normally we would be able to have that resolution resolved and then move on.

**Mr. Foulds:** Mr. Chairman, I would move at this time, seeing that it arouses such confusion in procedural matters, that clause 11(1)(f) be deleted. What happens if I withdraw the previous amendment and just have (g) deleted? Is that possible?

**Mr. Chairman:** The member can withdraw his amendment at any time. Does the member wish to withdraw?

**Mr. Foulds:** I will withdraw the one which deleted the term "compensation plan."

**Mr. Chairman:** The member wishes to withdraw the amendment to clause 11(1)(g), lines 3 and 4.

**Mr. Foulds:** Yes, I will withdraw that one. We will move that the one on clauses 11(1)(f) and (g) be deleted.

**Mr. Chairman:** Fine. I will read that from the chair and then we will have it in the record.

Mr. Foulds moves that clause 11(1)(g) be amended by deleting the words "adding to or" in line 1. Mr. Foulds moves that clauses 11(1)(f) and (g) be deleted.

**Mr. Foulds:** Mr. Chairman, once again, what I believe is happening in this section is giving to the government enormous powers, if I may say so, dictatorial powers, totalitarian powers. Once again, the government is allowing itself to define in secrecy any expression not already defined. What one can do with that is quite mind-boggling. It is what George Orwell fought against all over again. It is saying that one could, in fact, in secrecy, without coming to the Legislature, take any of the words in this act and define them grossly wrongly.

One could use the words, as they have already, defining fact-finder as arbitrator. That, I consider, is an honest if stupid mistake, but what this particular clause does is give them the power, in council, in secret, contrary to all the principles of responsible government, of legislative government, of democratic government, to redefine the words in the act as they see fit. It is a terribly authoritarian power they are taking unto themselves.

Similarly, clause (g) allows them to define the expressions "arbitrator," "arbitration," "compensation," "compensation group," "group compensation plans," "restraint period" and "terms of employment." That is a very bad method of legislation in the 20th century. I cannot make my words too strong. It is contrary to the



democratic principles of this Legislature and surely should be struck.

**Mr. Wrye:** Mr. Chairman, very briefly, we will support this amendment for the same reasons as I laid out in our support of the previous amendment by the member for Port Arthur.

**Mr. Stevenson:** Mr. Chairman, we will be opposing this amendment. This section is there simply for clarification of terms. It adds to the flexibility of a bill that is strictly a transitional bill between Bill 179 and the following year.

**The Chairman:** All those in favour of the amendment will please say "aye."

All those opposed will please say "nay."

In my opinion the nays have it.

Vote stacked.

On section 12:

**Mr. Chairman:** Before the member commences, will he be putting the amendment the chair has at hand dealing with both sections 12 and 13? There is a problem but I will not predict that. Perhaps the member could proceed.

Mr. Swart moved that Bill 111 be amended by adding thereto the following new sections:

"12(1) There is hereby established a commission to be known as the Fair Prices Commission;

"(2) The commission shall consist of not fewer than three members who shall be appointed by the Lieutenant Governor in Council to hold office for a term to be determined by the Lieutenant Governor in Council;

"(3) The Lieutenant Governor in Council shall designate one of the members as chairman of the commission and one or more vice-chairmen from among the members of the board, and the chairman shall have responsibility for assigning among the members the matters to be resolved by the board;

"(4) The chairman may in writing authorize one or more members of the commission to determine any matter to be determined by the commission and for that purpose the member or members may exercise all the jurisdiction and powers of the commission, and the decision of the member or members on the matter shall be the decision of the commission, and where more than one member is assigned to determine any matter, the decision of the majority of such members is the decision of the commission;

"(5) Such members of the commission as are not officers in the public service of Ontario shall be paid such remuneration as may be fixed by the Lieutenant Governor in Council and, subject to the approval of the Management Board

of Cabinet, are entitled to be paid reasonable travel and living expenses incurred by them in the course of their duties under this act while absent from their ordinary place of residence;

"(6) A member of the commission may be removed by the Lieutenant Governor in Council from office before the expiration of his term, and the Lieutenant Governor in Council may appoint any person in the member's stead for the remainder of the term.

"13(1) The commission may make bylaws regulating its proceedings and generally for the conduct and management of its affairs;

"(2) In exercising its powers under this act, the commission shall, where appropriate, make use of the services and facilities of any ministry, board, commission or agency of the government of Ontario;

"(3) The commission may, subject to the approval of Management Board of Cabinet, use the services of staff seconded to the board from the public service of Ontario or engage under contract such persons as are considered necessary from time to time for the proper conduct of the affairs of the commission;

"(4) The commission shall, before making any order or determination, hold a hearing, and the Statutory Powers Procedure Act applies to such hearings;

"(5) No action for damages lies against any member or any employee of the commission for

"(a) any act done in good faith in the performance or exercise of a power or duty; or

"(b) any neglect or default in the performance or exercise in good faith of that power or duty under this act;

"(6) Subsection 5 does not by reason of subsection 5(2) and (4) of the Proceedings Against the Crown Act relieve the crown of liability in respect of a tort to which it would otherwise be subject and the crown is liable under that act for any tort of a like manner as if subsection 5 had not been enacted."

9:50 p.m.

**Mr. Swart:** Mr. Chairman, do you have a copy of this?

**Mr. Chairman:** I do. I also have some comments on it, if I may. You are proposing to add sections 12 and 13?

**Mr. Swart:** Yes, 12 and 13.

**Mr. Chairman:** The problem is that, as per our standing order 15, one would have to rule that these amendments, sections 12 and 13, are out of order because they are directing the allocation of public funds.

**Mr. Swart:** Mr. Chairman, I suggest to you that this is not in contradiction of the present section. The present section deals with prices. It is, in fact, an amplification of the present section. It proposes to do more than the original section, but it is not in conflict with the present section of the act.

**Mr. Chairman:** No. The point is that, as we know, only a minister, on the recommendation of the Lieutenant Governor, can move a resolution or a motion that involves the expenditure of public funds. As I look at the first page of your amendment, for example, you are talking about the paying of such remuneration as might be fixed by the Lieutenant Governor; if you look at the second page, where there is a reference to engaging people under contract, someone would be paying those.

What I am saying is that this is an expenditure of public funds, so it is contrary to standing order 15 and I cannot accept it as being in order. I rule it out of order.

**Mr. Swart:** Mr. Chairman, may I speak to your ruling once again?

**Mr. Chairman:** It is not debatable.

**Mr. Swart:** Then I will have to challenge your ruling.

**Mr. Foulds:** Mr. Chairman, if I may, it is my understanding that if a ruling of the Chairman of the committee of the whole is challenged, you have to resolve it.

**Mr. Chairman:** It would have to be appealed to the House.

**Mr. Foulds:** That is right.

**Mr. Chairman:** I would just remind the House that standing order 84 says:

"(a) The standing orders of the House shall be observed in committees of the whole House so far as may be applicable, except the standing orders as to the seconding of motions and limiting the number of times of speaking.

"(b) The Chairman shall maintain order in committees . . ."

So this would have to be referred to the House. Is the member appealing it to the House? We have to move out of committee.

**Mr. Swart:** Yes, I am. I could not hear all of your ruling; I do not think most of the other members of the House could either, but I am appealing it to the House.

**Mr. Chairman:** The member is then saying, so we are all clear in committee, that he disagrees with the ruling on how the amendments conflict

with standing order 15 and he would like it to go to the House.

The House resumed.

**Mr. Chairman:** Mr. Speaker, the member for Welland-Thorold proposes to put an amendment that would involve the recommendation and, indeed, the expenditure of public funds. The committee Chairman points out that that would be in direct contravention of standing order 15. The member has questioned the ruling of the chair.

**The Acting Speaker (Mr. Cousens):** The member for Welland-Thorold has appealed the ruling of the chair?

**Mr. Swart:** Yes, Mr. Speaker.

**The Acting Speaker:** I would like to hear it. If you can be brief with your concerns, then I will make a judgement.

**Mr. Swart:** Mr. Speaker, I submit to this House that this amendment is not out of order on either point of what I think I heard the Chairman to say: first of all, and correct me if I am wrong, it was out of order because the amendment was contrary to the purpose of the act; secondly, later he said it was out of order because of standing order 15, which states that any bill which requires the expenditure of money can be submitted only by the government.

I would submit to you, Mr. Speaker, that first of all it is not contrary to the bill which we have before us. I would point out that the title of the bill itself says, "An Act to provide for the Review of Prices" and that is in essence what my amendment does. It extends the prices section, but it is not in conflict with it. When the minister was introducing this bill, he himself made the comment on November 8, "We will continue our course of public sector wage and price restraints for one more year." That was his interpretation of this bill.

**The Acting Speaker:** I would ask the member to be brief. I know the point you are making and if you have made all your points, then I—

**Mr. Swart:** Mr. Chairman, I believe I have the right to explain that fully.

This is a wage and price restraint bill by the admission of the Treasurer. We may interpret that by the very name of the bill. It is a wage and price restraint bill. We want to change the price section of this bill. We want to add to it. It certainly cannot be ruled out of order on that ground.

Secondly, the expenditure of money has repeatedly been interpreted in this House where

there is a requirement not just for personnel to administer the proposal but for an actual expenditure of money in some other manner. It has always been accepted by this House, to my knowledge in the eight years that I have been here, that a bill was not regarded as a money bill when it just required personnel. That is all this does.

Therefore, I submit to you, Mr. Speaker, and to this House that this amendment and the two subsequent ones which I will be putting are in order and should be dealt with by this House.

**The Acting Speaker:** I thank the honourable member for clarifying his point. I do not want to have a long debate. If one member from each party would like to have a short comment, then I am prepared to make a ruling. Beyond that, the business of the House will proceed.

**Mr. Nixon:** Mr. Speaker, as the chairman pointed out to the House, standing order 15 says specifically, "Any . . . motion . . . the passage of which would . . . specifically direct the allocation of public funds, shall not be passed . . . unless recommended by a message from the Lieutenant Governor, and shall be proposed only by a minister of the crown." I do not like the rule, but that is one of the rules of the House.

**10 p.m.**

Subsection 12(5) of the proposal from the honourable member states, as members know, "Such members of the commission as are not officers of the public service shall be paid such remuneration as may be fixed by the Lieutenant Governor in Council and, subject to the approval of Management Board, are entitled to be paid reasonable travel and living expenses" etc.

The section is a standard one that normally accompanies a bill put forward by a member of the executive council, and for that reason we must agree with the ruling of the Chairman that the amendment cannot be considered to be in order.

**The Acting Speaker:** I am not listening to all members of the House. I have asked for comments from each party. Are there any comments from the government party?

**Hon. Mr. Grossman:** Mr. Speaker, I think it is patently clear on the surface of it, as has been outlined by the member for Brant-Oxford-Norfolk (Mr. Nixon) with regard to subsection 12(5).

**The Acting Speaker:** The chair has heard the views and appreciates the concerns being raised by the member for Welland-Thorold. However, he is guided solely by the standing orders of the

Legislative Assembly of August 1981 and standing order 15 makes it very clear that:

"Any bill, resolution, motion or address, the passage of which would impose a tax or specifically direct the allocation of public funds, shall not be passed by the House unless recommended by a message from the Lieutenant Governor, and shall be proposed only by a minister of the crown."

I therefore have to rule the Chairman of the committee of the whole House as being in order and that is the ruling of the chair.

**Mr. Swart:** I will challenge the ruling.

**10:10 p.m.**

The House divided on the Speaker's ruling, which was sustained on the following vote:

#### Ayes

Andrewes, Ashe, Baetz, Bernier, Birch, Boudria, Conway, Dean, Drea, Eakins, Eaton, Edighoffer, Elgie, Elston, Epp, Eves, Fish, Gillies, Gordon, Gregory, Grossman, Harris, Hodgson, Johnson, J. M., Kennedy, Kerr, Kerrio, Kolyn, Lane, Leluk, MacQuarrie, McCague, McGuigan, McKessock, McLean, McNeil;

Miller, F. S., Miller, G. I., Mitchell, Newman, Nixon, O'Neil, Riddell, Robinson, Rotenberg, Runciman, Ruston, Sargent, Sheppard, Shymko, Snow, Spensieri, Stephenson, B. M., Sterling, Stevenson, K. R., Taylor, G. W., Taylor, J. A., Timbrell, Treleaven, Van Horne, Walker, Watson, Welch, Wells, Williams, Wiseman, Wrye, Yakabuski.

#### Nays

Allen, Breaugh, Bryden, Cassidy, Charlton, Cooke, Di Santo, Foulds, Grande, Johnston, R. F., Lupusella, Mackenzie, McClellan, Philip, Rae, Renwick, Swart, Wildman.

Ayes 68; nays 18.

House in committee of the whole.

**Mr. Chairman:** There was a proposal by Mr. Swart, about amendments 12 and 13. I would just confirm they were ruled out of order. At this point we have had agreement to deal with the matters that have been stacked. I wonder if we may proceed accordingly.

**10:26 p.m.**

The committee divided on Mr. Foulds's amendments to subclause 1(m)(i) and subclause 1(m)(ii), which were negated on the following vote:

Ayes 43; nays 60.

Section 1 agreed to.

The committee divided on Mr. Foulds's



amendment to subsection 3(4), which was negated on the same vote.

Section 3 agreed to.

**Mr. Chairman:** Shall section 5 stand as part of the bill?

**Mr. Foulds:** On a point of order, Mr. Chairman: That section was stood down and we cannot vote on it at this time.

**Mr. Chairman:** I thank the member.

**10:30 p.m.**

The committee divided on Mr. T. P. Reid's amendment to subsection 6(2), which was negated on the following vote:

Ayes 24; nays 79.

The committee divided on Mr. T. P. Reid's amendment to subsection 6(5), which was negated on the same vote.

Section 6 agreed to.

The committee divided on Mr. Foulds's amendment to subsection 7(b), which was negated on the following vote:

Ayes 43; nays 60.

The committee divided on Mr. Foulds's amendment to subclause 7(c)(ii), which was negated on the same vote.

Section 7 agreed to.

The committee divided on Mr. Foulds's amendment to subsection 8(1), which was negated on the following vote:

Ayes 43; nays 60.

The committee divided on whether section 8 should stand as part of the bill, which was agreed to on the following vote:

Ayes 60; nays 43.

Section 8 agreed to.

The committee divided on Mr. Foulds's amendment to section 9, which was negated on the following vote.

Ayes 43; nays 60.

The committee divided on Mr. Foulds's amendment to subsection 9(2), which was negated on the same vote.

The committee divided on Mr. Foulds's amendment to subsection 9(3), which was negated on the same vote.

The committee divided on whether section 9 should stand as part of the bill, which was agreed to on the same vote reversed.

Section 9 agreed to.

The committee divided on Mr. Wrye's amendment to section 10, which was negated on the same vote reversed.

The committee divided on Mr. Foulds's amendment to section 10, which was negated on the same vote.

The committee divided on whether section 10 should stand as part of the bill, which was agreed to on the same vote reversed.

Section 10 agreed to.

The committee divided on Mr. Foulds's amendment to clause 11(1)(b), which was negated on the same vote reversed.

The committee divided on Mr. Foulds's amendment to clauses 11(1)(f) and (g), which was negated on the same vote.

The committee divided on whether section 11 should stand as part of the bill, which was agreed to on the same vote reversed.

Section 11 agreed to.

On motion by Hon. Mr. Wells, the committee of the whole House reported progress.

**10:40 p.m.**

## BUSINESS OF THE HOUSE

**Hon. Mr. Wells:** Mr. Speaker, before the House adjourns, as required in the rules I would like to state the business for tomorrow and next week.

Tomorrow morning we will deal with the estimates of the Office of the Premier.

On Monday, December 12, in the afternoon we will continue in committee of the whole on Bill 111 until five o'clock and then finish with what time is remaining for the estimates of the Premier (Mr. Davis). Any votes on Bill 111 will be stacked until 10:15 p.m. on the evening of December 12. In the evening, we will deal with either concurrences, supplementary estimates or bills.

I think at this juncture it will be easier if I give a statement tomorrow as to exactly what we will do, and for the rest of the week we will give daily statements as to what will be the business.

I remind the members again that we have by motion agreed to meet next week on Wednesday morning, Wednesday afternoon and Thursday morning. The no-confidence motion standing in the name of the member for York South (Mr. Rae) will be debated on Wednesday afternoon, with the vote just before six o'clock.

**Mr. Foulds:** Mr. Speaker, on a point of order: I used certain language in this House earlier this evening that I would like to apologize for in the presence of the Treasurer. I totally withdraw the words. I must say I cannot express how much I regret overstating the case.

**Hon. Mr. Grossman:** Mr. Speaker, I was and am a little upset about it, but I understand that unfortunately these circumstances arise from time to time. I have known the honourable member for some time, and I know he would not

mean what he said. It must have been inadvertent. I know it was, because he would not intend to say something like that. Therefore, of course, I fully accept his apology.

The House adjourned at 10:42 p.m

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# Hansard

## Official Report of Debates

### Legislative Assembly of Ontario

**Third Session, 32nd Parliament**

Friday, December 9, 1983

Speaker: Honourable John M. Turner

Clerk: Roderick Lewis, QC

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# LEGISLATIVE ASSEMBLY OF ONTARIO

Friday, December 9, 1983

The House met at 10 a.m.

Prayers.

## STATEMENTS BY THE MINISTRY

### RETIREMENT OF CAM FELLA

**Hon. Mr. Drea:** Mr. Speaker, it is with a great deal of pride on behalf of this Legislature and on behalf of the people of this province that I rise this morning to draw the attention of honourable members to a most significant event which will take place tomorrow.

That event is the last race and the beginning of the official retirement of the greatest race-horse that has ever lived, a horse named Cam Fella, which has brought distinction to this province and this country and has probably done more for Canadian racing—in conjunction with his owners, who are here this morning, and his driver-trainer, who is also here this morning and whom I will introduce in a moment—than any person or any horse in the past; and there have been very many distinguished Canadian horses.

Cam Fella is truly a world-class champion. By supertime tomorrow night he will have become the greatest single money winner in the standardbred field. He will have done that in slightly more than two years. He will eclipse the mark of Rambling Willie, who took many more years to go over the \$2-million mark.

As the representative of Ontario and Canadian racing, Cam Fella is going to leave behind a signal number of marks. First, by tomorrow night he will have won 28 straight races, which is something unheralded and almost into the superhorse category. Every one of those was under two minutes, which again is an extremely notable accomplishment.

More than that, the owners and the owner-trainer of Cam Fella took him the length and breadth of this country and the United States. They took him to the small tracks in Ontario where he attracted new people to the racing industry and new patrons to the sport. I am sure my colleague the member for Durham-York (Mr. Stevenson) would testify to the fact that they brought new impetus to the racing and farm industry in the Uxbridge area. As repre-

sentatives of an industry that has a very close relationship and intimate partnership with government, they have been exemplary citizens.

It is my pleasure this morning to draw to the attention of the House that we are honoured with the presence of the co-owners of Cam Fella, Mr. Norman Clements and Mr. Norman Faulkner, and the driver-trainer, Mr. Pat Crowe. To plagiarize a bit out of the program for tomorrow, part of it reads that no horse has ever had owners like Norman Clements and Norman Faulkner, who have done what they did for the industry, and no horse has ever had a driver-trainer of the calibre of Pat Crowe for so long a period of time.

I am sure that tomorrow afternoon in a very special race at Greenwood, when Cam Fella and the field follow behind the gate and are near the start and my good friend Earl Lennox begins the call that they are off and pacing, the best wishes of this Legislature will go to the owners, the driver-trainer and all those associated with Cam Fella, as well as the very sincere appreciation of what they have done for this province, the sport and for an industry that employs 40,000 people.

**Mr. Conway:** Mr. Speaker, very briefly, I want to associate myself and my colleagues entirely with the sentiments of our good friend the member for Scarborough Centre (Mr. Drea). Might I add that we as Liberals are more than passingly pleased to endorse the great achievements of any horse which, according to the honourable member, has surpassed even the great Wandering Willie.

**Hon. Miss Stephenson:** It is Rambling Willie.

**Mr. Conway:** I am corrected; it is the great Rambling Willie.

**Mr. R. F. Johnston:** Mr. Speaker, whether or not it was the great Rambling Willie or Niatross, all can agree that Cam Fella is without doubt among the greatest horses that has ever been seen in the standardbred field, and we can rise and pay tribute to that horse and those who will, we hope, bring him to his final victory. Unfortunately, the minister's record in supporting horses in this House has somehow jinxed one or two of them in the past. I would hope that with



the support of all of us he might overcome that jinx and Cam Fella might win the last race of his career.

10:10 a.m.

#### ERROR IN PUBLICATION

**Mr. Bradley:** Mr. Speaker, I have a very serious point of privilege: I should reveal to the House that I am probably in this House illegally because of something which has happened. I understand that in a Ministry of Energy publication the city of St. Catharines was placed in northern New York state. As a result, I am afraid my colleague from the Niagara Peninsula, who is the Minister of Energy (Mr. Andrewes), is the only one who could possibly bail me out of this; otherwise, I would have to relinquish my seat and perhaps be a member of the Legislature of New York state.

This is not a question, but perhaps the minister might reveal to the House how St. Catharines made it into New York state.

**Hon. Mr. Andrewes:** Mr. Speaker, before the member for St. Catharines—

**Mr. Speaker:** That is not really a question.

**Hon. Mr. Andrewes:** I realize that, but I would want to respond, since it is Friday morning.

Before he resigns his seat, and indeed before the member for Niagara Falls (Mr. Kerrio) resigns his and seeks new citizenship—

**Mr. Kerrio:** Oh, I am not going to.

**Hon. Mr. Andrewes:** —I want to offer them my apologies, first of all, and to note that in the glossy Ontario Energy Review those errors on the map have been noted and corrected. Certainly we want to make sure that Niagara Falls and St. Catharines stay as part of Ontario. Indeed, the member for Erie (Mr. Haggerty) would be very interested to note that Crowland is on that map. There is a fair bit of history there, it being the heart of the natural gas industry for some time, if one looks back into history.

**Mr. Speaker:** I am sure we all feel much more secure.

#### WATER QUALITY TESTING

**Hon. Mr. Brandt:** Mr. Speaker, I am pleased to bring honourable members up to date on the results of my ministry's extensive sampling and analysis program for dioxins and furans in both raw and treated drinking water.

Applying our newly developed capability of detecting quantities to a level of 10 parts per quadrillion, my ministry tested samples from 15 water treatment plants in the western end of

Lake Ontario, including the Niagara River-Welland Canal area.

One part per quadrillion, I might mention, is equivalent to one second in 32 million years, or the width of one human hair in a distance equal to 1,000 times around the world. Within this minute detection limit there were no dioxins or furans found in any samples of drinking water tested.

In my ministry's current series of tests we did find trace amounts of one of the 75 known forms of dioxin. This was discovered in samples of raw water only from St. Catharines and the Lakeview plant area of Mississauga. While the extremely low levels of dioxin detected in the two raw water samples do not constitute a health risk at this time, I am concerned that these substances were found at all.

Although we do not know the precise source of the dioxins, we do know that waste sites on the United States side of the Niagara River contain this substance. For this reason I believe the federal Minister of the Environment, Mr. Charles Caccia, must use his office to effect an early cleanup of these waste sites. In the meantime, my ministry's Niagara River improvement team will maintain its ongoing efforts to reduce contamination of the river.

I want to emphasize that these trace amounts were found in raw, untreated water. No amount, no matter how small, has been found in any sample of Ontario drinking water at any time.

My ministry has been testing raw and drinking water samples from Lake Ontario and the Niagara River for more than a year. In February my predecessor, now the Minister of Health (Mr. Norton), announced we had found trace amounts of dioxin in raw water from the Niagara River and a channel off the Welland Canal near St. Catharines.

In co-operation with my ministry's international scientific advisory committee on dioxins and with scientists at Health and Welfare Canada, our scientists have developed very stringent testing standards in order to ensure painstakingly accurate results. The committee members report that our analytical methods are as good as any techniques currently being applied anywhere in the world.

The results I am reporting today have been reviewed by my advisory committee of experts on dioxins, chaired by Dr. E. Y. Spencer and including other distinguished scientists from Quebec, the Netherlands and the United States.

I also want to inform members that our monitoring program will be extended to include

other selected sites at which a continuous dioxin monitoring program will be conducted. In addition, we intend to expand the routine tests now performed for drinking water to include tests for a broad range of trace organic chemicals.

This is one of a series of ongoing initiatives under my ministry to ensure the residents of Ontario continue to enjoy a safe and secure supply of drinking water.

## ORAL QUESTIONS

### YOUTH EMPLOYMENT

**Mr. Conway:** Mr. Speaker, a first question to the Treasurer.

In view of the Treasurer's rather strong endorsement on Wednesday of this week of the youth employment direction of the most recent federal speech from the throne, and in view of his comments yesterday following the finance ministers' meeting in Montreal, wherein he was quoted as having said that employment must remain as Canada's number one priority, can he now indicate whether he is prepared as Treasurer of Ontario to reconsider and to commit additional funds to one of his most popular and best government programs, the Ontario career action program, which is completely out of money and is being asked repeatedly by all the community colleges and hundreds and thousands of young Ontarians between the ages of 16 and 24 who are out of work and looking for work, for the kind of help that only the Ontario career action program can provide those people?

**Hon. Mr. Grossman:** Mr. Speaker, as we discussed earlier, the young Ontario career program is a program that was brought in by this government this year to create about 13,000 positions for people who otherwise would go into OCAP. It is a more flexible program which provides longer-term employment than OCAP. In fact this program is more expensive and costs more because its provisions are more generous than OCAP.

Many of the young people who are still attempting to find a place in OCAP are more properly placed in the young Ontario career program. To date, that program still has many vacancies since it is a new program and people are just discovering it and coming into it.

With respect, we would not be doing many young people a favour if we told them to go into the more restricted and shorter-term OCAP when we have space for them in the young Ontario career program. It appears that people

are now beginning to understand that and make that change into the newer program.

None the less, I have already indicated to my colleague the Minister of Colleges and Universities (Miss Stephenson) that should it become apparent that OCAP is going to need some topping up in order to make sure that people are not left between the two programs, that will be done.

**Mr. Conway:** How can the Treasurer say the young Ontario career program which he has introduced this year looks after most of the people who would be involved in OCAP, given that the new program—there are so many of these acronyms, it is hard to keep track of them—the young Ontario career program, is specifically targeted at those people between the ages of 20 and 29 and a large part of that budget is directed to graduates of colleges and universities, when OCAP is specifically targeted at the 16-to-24 age group where unemployment is very high and where OCAP deals particularly with those who do not have a very high level of education, training or experience?

Will the Treasurer not agree it is that 16-to-24 group that OCAP deals with specifically, where rates of unemployment continue to be very high, that calls out for some action, and that his new program does not deal with that group in quite the same way OCAP does?

**10:20 a.m.**

Given the enormous success of OCAP, which is one of the best programs and is heavily subscribed to, virtually all colleges are now out of those funds. Can the Treasurer not give us an undertaking that he will respond positively and immediately to, among others, his own colleague the Minister of Colleges and Universities, who, we understand, has petitioned for additional funds now, so that those hundreds of prospective employers who stand by ready to create those new jobs and the thousands of young Ontarians between the ages of 16 and 24 can be dealt with now?

**Hon. Mr. Grossman:** By reaffirming the value of OCAP to that particular age group, the member explains very well the validity of starting the new program and the rationale for our new program. It is to shift out of the OCAP area older and better-trained people with more education into the young Ontario career program, thus opening up spaces in OCAP for those who most particularly and only qualify for OCAP.

What we are trying to do now is make sure the better-trained and better-educated people move into the young Ontario career program instead

of using up OCAP positions. Thus, we have spaces opening up in OCAP. That is certainly and surely the proper way to organize our youth funding programs.

In sum and substance, between the two programs there is enough money available for all the young people looking for spaces under those two programs. The object of our activities to date is to get those who belong in each program properly placed under those programs. It is not a shortage of money. It is people applying to the wrong program and not being familiar enough with the new one.

**Mr. Foulds:** Mr. Speaker, does the Treasurer not think youth unemployment is a serious enough problem in Ontario, with youth unemployment statistics running at twice the rate of the general unemployment rate, that it should be required of this government to increase funding for OCAP and to increase funding and develop the young Ontario career program? Both programs are necessary. Will he not make a commitment before Christmas to fund both of them at an increased level?

**Hon. Mr. Grossman:** Mr. Speaker, the youth unemployment rate is not twice the total unemployment rate. The total unemployment rate is 9.1 per cent. Youth unemployment is still too high at 14.7 per cent, but it is not twice the level. In addition, we have had some employment growth in jobs for young people in the last 12 months and in the last month, so we are heading in the right direction.

The point I would make is a great many programs were started by this government over the course of this year. We now have more than \$100 million in programs for young people alone and a great portion of another \$200 million will create more jobs for young people.

What we tend to forget with these programs is that jobs do not come on stream the day the programs are announced and the day they are started. Many of the vacancies and job opportunities created by those new programs are just now coming available to our young people. I believe we will see an improvement in the youth unemployment statistics because of the programs currently in place.

Just to name one of those programs, the young Ontario career program we have just been discussing still has space for literally thousands of young people. Our young people are already, I would argue, decently well served by programs which have already been announced and which have already been funded. We should make it clear that employment opportunities

are available and have already been created by programs announced earlier this year and just coming on stream now to help the youth unemployment problem this winter.

**Mr. Conway:** The Treasurer will know that the 16-to-19-year-olds, particularly 16-to-19-year-old males, represent the worst unemployment group in the entire economy. There is only one program that will deal with that group and it is OCAP.

Can the Treasurer indicate this morning, clearly and without equivocation, whether he is prepared before Christmas to commit additional funds to the Ontario career action program, the only program which deals specifically with the chronic rates of unemployment for the 16-to-19-year-olds in the Ontario economy?

**Hon. Mr. Grossman:** I have stated on earlier occasions that if, after getting the young people placed in the proper programs, it appears that the lack of funding, or I should say the oversubscription, to put it fairly, for OCAP still is there, then we will provide the additional funding to OCAP to look after those young people.

I cannot say it any more clearly except to add that we are not going to provide that money until we have tried to organize our young people into the programs and the funding that is already available and not being taken up. For example, if we moved an amount of money out of the young Ontario career program into OCAP to make up that difference, then the money would clearly be available.

It would not hurt if young people are not employed in the newer program; it would not reduce any jobs because they are not yet applying. But it would mean that we were sticking with an old, more restricted program. Instead of moving the people in the older age group, we would be keeping them in a more restricted program and not giving them the full advantage of the new money. That is all we are trying to do.

To make it clear, so that the member cannot quibble about it later on or suggest we are not prepared to move money into that program, let me say succinctly and clearly once again that the young Ontario career program is not fully subscribed and is not close to it. That is the proper program for many of these young people. If they do not subscribe to that program and if OCAP as a result remains oversubscribed, then additional funds will be put into the OCAP program to make sure that no young person is left without a job because of the OCAP funding.



**Mr. Conway:** It is clear that the winter is going to pass and one of the minister's best programs dealing with one of the areas of highest unemployment is going to go unaddressed. I think that is a tragedy that ought not to be left unresponded to.

**Mr. Speaker:** Question, please.

#### LCBO HIRING PRACTICES

**Mr. Conway:** Mr. Speaker, my next question is to the Minister of Consumer and Commercial Relations and it concerns the Liquor Control Board of Ontario. It being the holiday season, most of us good Ontarians are off to the minister's monopoly stores to make our contribution to the great monopoly business he runs. I will set aside the prices that he charges in his monopoly business because I want to pursue a concern about employment opportunities in his liquor stores.

**Mr. Speaker:** Question, please.

**Mr. Conway:** The minister will know that in the most recent report of the Provincial Auditor it is reported that the recruitment and hiring practices at the Liquor Control Board of Ontario are at best quixotic and at least very unclear.

Can the minister indicate, particularly at this holiday season, when those hundreds of liquor stores across Ontario will be taking on hundreds and thousands of temporary employees to accommodate the rush of the Christmas season, what direction, if any, he has given to the liquor board to make sure there is fairness and equity in the hiring practices at the liquor board and that it does not continue to be as irregular and as unclear as the auditor has reported, and of course, as we all know, as shot through with Tory patronage as is well known throughout the land?

**Hon. Mr. Elgie:** Mr. Speaker, may I say on behalf of the people of Ontario that we welcome any purchases the member plans to make. I am not one of those who agree with the reputation he may have as a result of his leader's meeting in Kitchener, which I understand he disavowed. The member is not a scandalmonger. He is other things, but he is not a scandalmonger. All the other things are good, by the way.

The auditor did comment in his report on the hiring at the LCBO, and the chairman of the board did advise him that within the last six months the board developed and published staffing standards for all store positions that are subject to posting for promotion. He also indicated that they intended that staffing standards

for entry-level positions would also be established, along with written guidelines and procedures for the staffing process.

I have given no specific instructions with respect to the Christmas hiring. I understand that it is pretty well all in place now.

**Mr. Conway:** The minister's predecessor, the man to his immediate left—

**Hon. Mr. Drea:** Never. No way.

**Hon. Mr. Elgie:** He does not like to be considered to be to my left.

**Mr. Speaker:** Question, please.

**Mr. Conway:** —the member for Scarborough Centre (Mr. Drea) said in the procedural affairs committee three years ago that there was a clarification of the hiring practices at the liquor board and that the old days had been sent into history. The auditor has clearly indicated that the words of the minister's predecessor, the member for Scarborough Centre, came to very little in the light of the auditor's findings in his most recent report.

**Mr. Speaker:** Question, please.

10:30 a.m.

**Mr. Conway:** Can the minister give an undertaking he will see to it that the kind of irregular practices which bring people into the LCBO are improved upon and that we will not continue to see those well-paid positions from Kenora to Cornwall and from Toronto to Timmins dished out in so irregular a fashion as we all know them to be and as the Provincial Auditor has reported? Is he personally going to involve himself to ensure that those job opportunities, both temporary and permanent, are made available on a clear, understandable and regular basis?

**Hon. Mr. Elgie:** Mr. Speaker, may I just clarify one issue? When members, or even I, refer to my colleague the Minister of Community and Social Services (Mr. Drea) as being to my left, it seems to upset him greatly. I do not look on him as being on my left; certainly from the member's perspective the minister is on his right. I am sure this makes him a lot happier.

**Hon. Mr. Drea:** Why?

**Hon. Mr. Elgie:** Where do you stand?

**Hon. Mr. Drea:** Far to the right of you.

**Hon. Mr. Elgie:** Far to the right. You sound as if you are a Liberal if you are to the right of me.

**Mr. Speaker:** Now to the question, please.

**Hon. Mr. Elgie:** I think the member who geographically sits to my left—and I do not know where he sits philosophically—indicated

some time ago the collective agreements within the LCBO required that temporary employees receive certain preference with respect to hiring for permanent jobs. I think the member knows and understands that.

In its response to the auditor, the board has indicated it is looking at staffing standards for entry-level positions. I certainly will follow the course of those developments.

**Mr. Philip:** Mr. Speaker, can the minister inform the House how many part-time workers are actually working full-time hours, that is, 30 hours or more a week, in what amounts to full-time positions, as is the case in the Rexdale warehouse where three employees have worked on a full-time basis for over six months? Does the minister not feel this is simply exploitation of workers, a cheap way of getting full-time workers without paying any kind of benefits which should be going to them as full-time workers?

**Hon. Mr. Elgie:** Mr. Speaker, I do not have those exact figures. As the member knows, the Whitby warehouse is at present just opening up. There have been some efforts in the board to make certain that displacement of employees does not become a problem for those employees in these difficult times. I would assume they are trying to man certain other areas on a temporary basis simply to facilitate the continuing employment of present full-time employees. However, I will certainly look into this.

**Mr. Conway:** I have a final supplementary to the minister on the hiring practices. He will know that in the just-released ninth annual report on the status of women crown employees, it is reported the LCBO has the worst record in terms of hiring women employees of any government ministry or agency.

Women get a worse deal from the liquor board than anywhere in the government of Ontario. The records are shameful. In terms of occupational characteristics in the stores, only 5.6 per cent of the employees are women. This is the shame of the government's record, which is shameful to start with.

What specific undertakings is this minister prepared to make to this House and the women of Ontario that this outrageously bad record will be improved upon for women in terms of job opportunities at the LCBO?

**Hon. Mr. Elgie:** I hope the member would agree that historically it is a traditional thing in life that it seems to be male applicants who are the primary applicants for positions at the

board. However, this is changing. We are certainly prepared to discuss it at committee where we have the relevant people available.

If we look at the statistics, we will find that the number of women who are temporary employees has gone up dramatically. It has been this pool of potential employees from which the permanent employees come. I certainly would look forward to an increasing number of women in a variety of positions in the LCBO and I will continue to encourage that achievement because it is a fundamental goal of this government.

## UNEMPLOYMENT

**Mr. Foulds:** Mr. Speaker, I have a question for the Treasurer. He will recall that in his brief to the Donald S. Macdonald permanent employment royal commission, the royal commission on the economy, he said: "Nothing would be more detrimental to the achievement of our larger goals than a legacy of discouraged, unemployed workers."

Can the Treasurer tell this House what immediate steps for the discouraged, unemployed workers he is going to take before Christmas this year? Is his statement next week going to be a talking piece or an action piece?

**Hon. Mr. Grossman:** Mr. Speaker, just so we understand my prebudget statement next week, it will be what it was said to be when I first spoke about it in this House on October 11. Just so the member will not be able to say he was disappointed that the speech did not offer what it was supposed to offer, let us be clear about it. It is not a budget and it is not a statement of new government programs. It is the beginning of the prebudget process so that he and others can give us advice on what programs we might begin and what economic policies we should pursue in the budget.

Let us be clear, Mr. Speaker. It is not now, nor was it ever intended to be, a statement of new government programs or new initiatives. It is simply setting the framework and sharing information as the start of the budget process. That is all it was ever said to be—an important document. That being said, the member should not run out into the hall next Thursday afternoon and say he is disappointed or surprised that we had no new programs—

**Mr. McClellan:** I think we could do it right now.

**Hon. Mr. Grossman:** Yes, he can do it right now. He can go right out this morning and say he is disappointed that I will not have it next

Thursday. The member should not say he is surprised because he is not surprised. I said that on October 11.

**Mr. Speaker:** Thank you.

**Mr. Foulds:** Thank you, Mr. Speaker.

**Hon. Mr. Grossman:** Now that is even easier.

**Mr. Speaker:** No surprise.

**Mr. Foulds:** Is the Treasurer aware that the number of people running out of unemployment insurance—in other words, the number of unemployment insurance exhaustees—has jumped dramatically from 10,000 a month on average in 1981, to 12,745 a month on average in 1982, to some 17,700 a month in 1983? In other words, there has been a 38 per cent increase so far in 1983?

Does the Treasurer not think it is his responsibility to commit his government to act instead of just talk before this House recesses to meet the needs of these exhaustees?

**Hon. Mr. Grossman:** Let us be clear. This government did not wait until December of this year to act. We have a lot of programs in place; we have talked about some of the youth employment programs already. We have not yet discussed this morning the Ontario training incentive program, OTIP. We have not discussed the capital acceleration projects. We have not discussed a lot of the projects that I could enumerate fairly completely this morning.

But all those programs indicate the government did act before December 1983 and January 1984. What we did was act early this year. Many of those projects will be coming on stream this winter. The success of those programs and others is quite obvious, namely, 196,000 jobs in this 12-month period, a figure that neither the member, nor I nor anyone anticipated. Those programs together with other factors are working.

Let us be clear. Many of those programs will be achieving their full impact over the next few months; we have talked about some this morning. Those suggestions that we are doing nothing about unemployment problems this winter are, with respect, quite unfair. Those programs were put in place some time ago and will have an impact this winter.

To the extent that further activity might be required and warranted by us, I would remind the member that in Montreal yesterday we, Ontario, put youth unemployment and unemployment generally on the agenda. As a result of the concern expressed by all ministers yesterday, there was agreement by the federal government that we could all have more access,

with their co-operation, to the Canada assistance plan and unemployment insurance monies once again this year in order to create even more jobs.

The Canada-Ontario employment development program under section 38 was very successful last year and created a lot of those 196,000 jobs.

**Mr. Di Santo:** Time.

**Hon. Mr. Grossman:** I will sit down if the member wants.

We have created a lot of those jobs through those programs. I was encouraged by yesterday's undertaking to work with us on those programs and I am convinced that as the full impact of our 1983 programs begins to reach its peak and tail off into 1984, at that stage we will have more of the federal money behind us and with us so that we can continue our job creation efforts into 1984. I think that is a sensible and co-ordinated way to go about it.

10:40 a.m.

**Mr. Boudria:** Mr. Speaker, I have a supplementary on the exhaustee situation. The minister will recall it was one year ago last week that the Compagnie Internationale de Papier du Canada plant in Hawkesbury shut down, putting 20 per cent of the population of that town on unemployment. Most of those workers, with the exception of those who worked on the Canada-Ontario employment development program in Hawkesbury, are now becoming exhaustees. Most of them are middle-aged. What programs, if any, does the minister propose to undertake for those middle-aged workers who are in this kind of situation in Hawkesbury and elsewhere?

**Hon. Mr. Grossman:** Mr. Speaker, as members will know, the member for Prescott-Russell (Mr. Boudria) raised this question with us during my estimates. We indicated at that time the Ministry of Industry and Trade had moved in very quickly to conduct a study with regard to the future of that operation. Unfortunately, that very good exercise has not produced any alternatives to date, but we are continuing to work on every viable alternative and they have been told by their minister that funding will be available for any reasonable proposition that might turn up in that area.

The panoply of other government programs I have outlined—and to be fair, some of them are supported by the federal government—will be available to workers in those areas. Any new moneys we might put into this program will be



pointed particularly towards areas of high unemployment, of which Hawkesbury will be one.

**Mr. Foulds:** Mr. Speaker, instead of offering the people of Ontario an alphabet soup of relatively ineffective programs, can the minister tell us what he is going to do to meet the needs of the 12,000 people who will be losing their COED jobs at the end of this month and the additional 9,000 people who will be losing their COED jobs over the next three to four months to May? What is the minister going to do to ensure that those people who are running out of unemployment insurance benefits do not have to go on welfare? Can he actually create some jobs for them so they can have a useful and productive winter?

**Hon. Mr. Grossman:** Let us make a couple of points, Mr. Speaker. In fact, COED was a requalification program in large part, which is not to say that is all that should be done but it does indicate the program was to requalify them, it was not to have them go off the unemployment rolls. They will not be going off the unemployment rolls. In fact, COED will specifically succeed in requalifying them.

**Mr. Foulds:** You have an increase in unemployment insurance exhaustees and an elimination of COED jobs.

**Hon. Mr. Grossman:** With respect, perhaps the honourable member has missed the essence of COED, which is to keep them qualified. They will not be disappearing, as he has suggested. They will be requalified as a result of a lot of money being put in by both levels of government.

With regard to the figures, we can bandy them around for a long time, but one thing I can tell the member is that, regardless of which figures we use, we can all agree the problem is serious. The last figure the member's leader used grossly overstated the situation by doing something I have never heard of, which was to compare the July unadjusted figure with the November unadjusted figure so as to inflate that far beyond any reasonable or fair measure. This indicates the trouble one gets into when people try to deal with this problem by virtue of their own version of the statistics.

I hope we can all agree there are a lot of government programs in place, and surely we can agree Ontario has seen a far greater improvement in the job employment situation this year than the average improvement for Canada; that is, 196,000 jobs. As the member will see in my statement next Thursday, I am decently optimistic we can continue that, even without

government programs. Let me also make it be clear there will be further government initiatives.

### HOMES FOR SPECIAL CARE

**Mr. R. F. Johnston:** Mr. Speaker, my question is for the Minister of Community and Social Services. It concerns the matter of the triministry project which I raised about a month or so ago in the minister's absence, and the underspending of about \$8.7 million or 32 per cent that has been projected for that project. I want to ask the minister specifically about what is happening to the devolution of that project in eastern Ontario.

I wonder whether the minister is aware of the letter sent to the Premier (Mr. Davis) by Mr. Douglas Whitmore, chairman of the Stormont, Dundas and Glengarry Working Group, with a copy to the minister and others, in which he says:

"According to your government, the triministry project was to last four years, and within that time period all assessments were to be completed and necessary programs in place. We are now within the last fiscal year of the TMP and the only programs in place in our counties are life-or work-skill programs for 20 persons in Cornwall. There is nothing for the other 62 persons.

"We are told that there is no more money in this fiscal year for the triministry project and we are given little or no information as to future availability of funds."

What is the minister doing in eastern Ontario? Could he give us some update on whether those figures are accurate or whether there will be more money coming?

**Hon. Mr. Drea:** Mr. Speaker, first of all, this is not the first time the honourable member has thrown out this little canard that somehow there is no more money in this fiscal year. New programs are being approved in this fiscal year, right now. Money is flowing. The member knows full well he has had full answers in estimates to many of the things he has raised here, and he has agreed with what we have said in estimates, not only in May but even a year ago.

**Mr. R. F. Johnston:** What are you talking about?

**Hon. Mr. Drea:** The member is shaking his head. Let me go on with this point. The fundamental point is that we said all would be assessed. However, we have said in the last two estimates that not all were going to be assessed. The member does recall that. We pointed out

that because of geriatric considerations and some other things some of the older people were not going to be assessed, we were going to look at some other approaches. That is hardly new to the member.

**Mr. R. F. Johnston:** Answer the question, Frank.

**Mr. Speaker:** Never mind the interjections, please.

**Hon. Mr. Drea:** I really think I was answering the question, not listening to a lot of interjections from a surly smart aleck.

**Mr. R. F. Johnston:** Answer the question. What are you trying to do in eastern Ontario? Don't try to bamboozle people.

**Mr. Speaker:** Order.

**Hon. Mr. Drea:** I find it very interesting that the man who portrays himself as the workers' friend keeps sneering at an industry that employs 40,000 people. They think about as much of him as he does of them.

**Mr. R. F. Johnston:** I'm sneering at a minister who doesn't give a damn about his clientele. He should be removed from his position.

**Mr. Speaker:** Order.

**Mr. R. F. Johnston:** If the government had any integrity, this minister would be removed from his position.

**Mr. Speaker:** Question, please.

**Mr. R. F. Johnston:** The question is to the minister in terms of his bamboozling us with his figures. Is it not the case that in the nursing homes, the homes for special care in Stormont, Dundas and Glengarry, 52 of the 84 people have been assessed? One year after that happened, only 20 of those who have been assessed are receiving any kind of program at all. There have been other kinds of initiatives put forward; about \$268,000 worth has been requested. What is the minister going to do for those other people? How much money will be going there and when will it be going there?

**Hon. Mr. Drea:** If I could be allowed to continue the answer I attempted to give, before we had the histrionics from the far left—they are the far left, are they not? Their little brochure says they are.

**Mr. Speaker:** Now to the question, please.

**Hon. Mr. Drea:** The whole thrust of the triministry project now is to provide service directly to the client, and particularly service directed to the client, not to service providers. We have been evaluating the triministry project

over the summer and the fall. The member knows that, yet he continues to ask this type of question. We are devising new approaches so we can deal with programs directed to the individual. I will come back on Monday or Tuesday and tell the member what the remaining programs are in that area and when they will commence for those who have been assessed and for whom a program has not begun.

**10:50 a.m.**

I do not think that is bamboozling or anything else. I think it is an accurate statement of exactly what is going on. It is a matter of record that each year more and more money is being paid out on behalf of programs for those in the triministry project. The member does not need to shake his head. That is a matter of very solid fact.

One of the things that annoys the party of the left just a little bit is that all the groups which set themselves up thinking they were going to share in all this largess by directing programs are not going to do it any more. We want to make sure it goes to the particular individual in that home for special care.

**Ms. Copps:** Mr. Speaker, notwithstanding all the histrionics on both sides, I think the issue has to be the fact that the Minister of Community and Social Services—

Interjections.

**Mr. Speaker:** Order.

**Ms. Copps:** The minister has embarked upon a program and he has done assessments in many communities across the province, including Stormont, Dundas and Glengarry. At the Muskoka Nursing Home in Gravenhurst, where 26 assessments were done—I am sorry; can the minister not hear me?

Interjections.

**Mr. Speaker:** Order, please. Would the honourable members please curtail their private conversations? The minister is having difficulty hearing the question.

**Ms. Copps:** I have a question for the minister which has to be asked for the people in Stormont, Dundas and Glengarry and in other areas around the province who had their hopes raised by the 26 assessments done in the Muskoka Nursing Home. I visited there and saw 26 people living in one room. Those people were counting on a follow-up to that assessment. In that case they waited for a year and had no action.

**Mr. Speaker:** Question, please.

**Ms. Coppins:** When can we expect there will be action on all the assessments that have been done throughout Ontario with respect to the triministry project?

**Hon. Mr. Drea:** Mr. Speaker, first of all, I did not hear all of what the honourable member said about the Muskoka Nursing Home, but the programs have commenced there for those people.

**Mr. R. F. Johnston:** When?

**Hon. Mr. Drea:** My friend was not there two days ago. They have commenced; I know, because the money has flowed.

**Mr. R. F. Johnston:** When? Since I raised it?

**Hon. Mr. Drea:** The member was there when?

**Mr. Speaker:** Never mind getting into a debate.

**An hon. member:** He was there several months ago.

**Mr. Speaker:** Order, please.

**Hon. Mr. Drea:** In any event, those programs have commenced.

Second, as I pointed out in the answer to the previous question, the approach now is to have as many services as possible directed to the individual clients commence immediately rather than waiting for or evaluating proposals of service providers. For the number that have been assessed, which is 2,200 in round figures, I want those programs, if they have not already commenced, to commence for the individuals no later than in the next calendar year.

**Mr. R. F. Johnston:** It would be interesting to know the actual date when that program started in the Muskoka Nursing Home. Perhaps the minister will add that in his reply to this final supplementary, which is about Prescott and Russell because I have been asking about eastern Ontario and the individualized programs he is putting into place for the individuals there.

In Prescott and Russell, 54 of the 110 people who are in the homes there have been assessed. There is a calculated need in that area, put forward by the working groups and others in his ministry, for about \$700,000 in programs that would be needed to serve those people. As yet, however, I understand there are no programs in place for any individual in any of those homes. If it is the case, how can the minister say he is providing programs to individuals and somehow going around these other project proposals that are being put forward?

**Hon. Mr. Drea:** That is a rather convoluted question. The working groups are not part of my ministry. The working groups that deal with this are outside the ministry and not as stated by the honourable member. If he wants a report on what is going on at Prescott and Russell I will include it, but he should not try to tell me that the working groups that propose \$700,000 in programs are in my ministry, because they are not.

**Mr. R. F. Johnston:** I did not say that.

**Mr. Speaker:** Order.

**Hon. Mr. Drea:** This is the service provider group. It is the very one we are talking about. [Later]

**Mr. R. F. Johnston:** Mr. Speaker, on a point of privilege: I would like to correct the record. I erroneously gave the impression that the Minister of Community and Social Services is doing nothing in terms of the homes for special care triministry project. I want to let the House know that two days ago, 36 days after I raised the question and several months after the projects were approved, the ministry gave two thirds of the money that was initially asked for to the Muskoka Nursing Home.

#### FARM STABILIZATION PROGRAM

**Mr. Riddell:** Mr. Speaker, I have a question of the Treasurer. Since I started putting questions to the Treasurer pertaining to agricultural matters there has been some activity in the Ministry of Agriculture and Food. There is a recent report, whether it be fact or fiction—and I am inclined to think it is fact—that the Deputy Minister of Agriculture and Food will be relieved of his responsibilities in that capacity as of January 1.

**Mr. Speaker:** Question, please.

**Mr. Riddell:** If the Treasurer can influence that kind of activity in the Ministry of Agriculture and Food, I want to ask this question. I recall the minister's recent stints in rural Ontario, his recent pleas to farmers to let him know what is needed for the agricultural industry in this province and his letters as recently as December 1 to hog producers where he stated, "Based on the current prices, the Ministry of Agriculture and Food advises that support payments will exceed the \$5 per weaner payment you suggest." This was in response to a letter he received from Martin Bruyn, one of the sow-weaner producers, which has led producers to believe they would have been eligible for a \$56 payout per sow under the sow-weaner program.



Was the minister as shocked as we were to hear there will be no payout to sow-weaner producers this year, even though prices have averaged about 82 cents a pound while costs of production are \$1.39 a pound, according to the ministry's own figures? Will he confer with the Minister of Agriculture and Food (Mr. Timbrell) and assure those sow-weaner producers who are facing financial ruin there will be a payout this year?

**Hon. Mr. Grossman:** Mr. Speaker, I do not know whether the honourable member's rumours are correct about the Deputy Minister of Agriculture and Food, but he served me as my Assistant Deputy Minister of Industry and Tourism and he was and is an excellent civil servant I would be proud to have working for me at any time, just as I know my colleague has been happy to have him serve him. He has been served well by him. He is a loyal, dedicated and excellent civil servant. He always has been and always will be.

**Mr. Riddell:** I don't know why the farmers asked for his resignation.

**Mr. Speaker:** Order.

**Hon. Mr. Grossman:** Let us be honest. The member would be delighted to have him working for his caucus at any time. He knows that.

**Mr. Conway:** He once did.

**Hon. Mr. Grossman:** He wishes he could get him back again.

**Mr. Speaker:** Never mind the interjections, please.

**Hon. Mr. Grossman:** With regard to that payment, if the member has a concern he should raise it with my colleague the Minister of Agriculture and Food—

**Mr. Riddell:** You were the one who made the statement.

**Mr. Speaker:** Order.

**Hon. Mr. Grossman:** The member read the letter accurately and said the ministry had informed us as followed. I told in that letter what the ministry had informed us. The member should address the question to my colleague, because not only does he understand that program far better than I and the people in my ministry but also he understands it a heck of a lot better than does the member. The member should ask him the question. He might learn something.

**Mr. Riddell:** It is obvious the Treasurer does not take the problems of the agricultural indus-

try seriously, but I will try a supplementary on him.

**Mr. Speaker:** Question, please.

**Mr. Riddell:** In view of the fact the market value for pigs under the provincial stabilization program is based on the price of finished hogs and not on the price of weaners, which often bear little relevance to each other, and since the number of farmers enrolled in the stabilization program has decreased from 4,424 when the program was introduced in 1980 to 3,000 at present, and has declined from 97 to 50 in those counties of most concern to the minister at present, namely, Stormont, Dundas and Glengarry, do not the low enrolment and the fact that farmers are dropping out of this program indicate to him the inadequacy of the provincial assistance, especially when our producers compare it to the \$20 million paid last year to Quebec producers by their government under their pork stabilization plan? I understood the minister was the one who had the grasp of it.

**Mr. Speaker:** Question, please.

**Mr. Riddell:** He was in Dufferin county. He said the beef industry is in trouble and needs help—

**Mr. Speaker:** Order. Will the member place his question right now?

**Mr. Riddell:** I will do that, Mr. Speaker, but bear in mind also that you let the Treasurer ramble on.

**Mr. Speaker:** Order. Place your question.

**Mr. Riddell:** Will he not tell our farmers that this government will introduce a stabilization plan which will offer meaningful assistance to them? To keep our pork producers alive, will he convince the Minister of Agriculture and Food that a payout simply has to be made to the weaner producers for the 1983 production?

**Hon. Mr. Grossman:** I will refer that question where it ought to be placed, to the Minister of Agriculture and Food, which might interfere with the free flow of the speech that was just delivered.

11 a.m.

**Hon. Mr. Timbrell:** Mr. Speaker, this matter was raised in the House the other day by the member for Welland-Thorold (Mr. Swart). I thought the member for Huron-Middlesex was in his seat that day.

Essentially, the existing sow-weaner stabilization plan in Ontario is one which was developed a number of years ago and about which the Pork

Producers' Marketing Board was consulted. At that time they approved of the terms of the plan.

In the first six registration periods of the sow-weaner plan we have made payouts in three of the six periods, the most recent one being the one I announced in Stratford at the Pork Congress in June 1982.

In the most recent period, period seven, the average market price for the period April to September 1983 was \$69.80 per hundredweight. The Ontario support level was \$68.69 per hundredweight.

I would remind members that this plan is administered by a board made up in the main of producers. It is not one that is run by civil servants. To be sure, the director of the plan is a civil servant, but he answers to the commission.

At my request, following a meeting with the representatives of the pork board two weeks ago this morning in my office in this building, the commission reviewed the matter again and concluded that based on the numbers they cannot recommend a payout. They have said they will waive the fees for period eight, but based on the facts and based on the plan that was agreed to by the producers who run the plan, they cannot recommend a payout.

**Mr. Swart:** Mr. Speaker, it is nice that the member for Huron-Middlesex has now found out about the nonpayment under the sow-weaner program after I asked the question several days ago.

**Mr. Speaker:** Question, please.

**Mr. Swart:** Recognizing that the rules of the stabilization commission prohibit payment for the sow-weaner program at this time simply because it is based on the price of pork and has nothing to do with the low price of sow-weaners—it is a very silly situation and I am sure it will be changed—recognizing that Ontario farmers are getting something like \$140 less for beef on average than the producers in Alberta, Saskatchewan, Manitoba and Quebec, and \$20 less on their hogs, will the minister now institute a red meat subsidy program to the farmers of this province based on these figures until we get the tripartite stabilization program which may come next spring, next fall or not at all?

**Mr. Speaker:** That does not sound like a supplementary really. Briefly, please.

**Hon. Mr. Timbrell:** Briefly? Me? Mr. Speaker, I will leave it to your good judgement whether it is a supplementary or a new question.

I am sure the honourable member noted with interest that in the speech from the throne in

Ottawa on Wednesday of this week the federal government has firmly committed itself to a red meat stabilization plan. Quite frankly, that is due in no small measure to the work of this government in this province in leading the fight for it in Canada. I can say without any fear of contradiction that it would not have been in the throne speech of Canada if it had not been for the work of this government.

**Mr. Riddell:** Mr. Speaker, on a point of privilege: I believe I have a point of privilege since the member for Welland-Thorold made reference to my name in his supplementary.

It is because the member for Welland-Thorold is quite guilty of giving information that is not always factual that the farmers do not have any faith in him and they come to me—

**Mr. Speaker:** Order, please. That is not a point of privilege.

#### RENT REVIEW

**Mr. Philip:** Mr. Speaker, I have a question of the Minister of Consumer and Commercial Relations in his capacity as the overseer of the rent review program. Is the minister aware of a recent guideline by the Residential Tenancy Commission advising the rent review commissioners that the preferred approach to rent review of co-owned buildings is for each co-owner to apply for rent review for a specific unit? Does the minister realize that in the case of a building such as 30 Allanhurst in the city of Etobicoke this could mean 58 individual rent review hearings for a building that has only 59 apartments?

What is the minister prepared to do to correct the impending chaos that is being created by this guideline?

**Hon. Mr. Elgie:** Mr. Speaker, it is my understanding there was a recent court decision relating to co-op share ownership which indicated individual units should be dealt with individually. It is also my understanding it was the decision of the Residential Tenancy Commission that this decision had implications with respect to co-tenancy and therefore it was appropriate this principle, proclaimed in our common law jurisdiction, would have to be applied in the co-tenancy situation. That is the reason it was done.

**Mr. Philip:** I have a copy of the memorandum from the Residential Tenancy Commission, and the very court decision it refers to is the one we are all aware of, which is the Madeiros versus Fraleigh case.

Does the minister not recall that the Attorney

General (Mr. McMurtry) introduced legislation to correct the problem caused by that decision and that he himself introduced legislation, Bill 113, indicating people who own a share cannot, under the Landlord and Tenant Act, be considered as landlords for purposes of eviction?

Does the minister not see that the thrust of the Residential Tenancy Commission guideline is in direct contravention of the idea of one building, one rent review hearing brought in by rent review in 1977 in the new act, by the Attorney General's bill and by his own recent legislation? How can he have one guideline going in direct contravention of three pieces of legislation by this government?

What is he going to do to correct it? Is he prepared to change the guidelines or bring in an amendment to section 126 of the act so this does not happen?

**Hon. Mr. Elgie:** First of all I do not, cannot and have not ever changed the guidelines of the Residential Tenancy Commission. Those are their decisions and they execute them. I have given the member the reasons that have been given to me to explain their actions. They are in line with that decision.

The legislation brought in by the Attorney General, as the member knows, dealt with landlord and tenant matters. This is an issue of rent review and it relates to the same principle as was outlined in that case, namely the individual share ownership in a co-op unit and the transference of that principle to co-tenancy occupation.

If the member has serious questions about it, we are currently in estimates, the Residential Tenancy Commission will be there and we can have a much longer discussion of it. I am just reporting the reasons they took the steps they did.

#### USE OF RHOSP FUNDS

**Mr. Kennedy:** Mr. Speaker, I have a question for the Treasurer. The registered home ownership savings plan, or RHOSP as we know it, the federal tax shelter plan, can now be taken out of tax-free status and used towards the purchase of furniture and appliances until December 31 without being taxed.

Would the Treasurer in his ongoing discussions with the federal government—specifically Marc Lalonde, I guess—take up with him whether those funds could be used towards home repair and renovations? Such a program should relieve unemployment through the winter for the affected

trades and would not cost either government anything.

11:10 a.m.

**Hon. Mr. Grossman:** Yes, Mr. Speaker, I would be happy to do that. It is an idea that might have some potential. On the basis of our discussions of yesterday in Montreal, the federal government now clearly seems to be prepared to look at some existing programs and legislation with a view to making them work more actively in terms of creating employment, hence its agreement on the Canada assistance plan moneys and unemployment insurance money. Perhaps we can take this proposition to the federal government and see if it is willing to divert RHOSP tax money back into employment as well. I will take this proposal forward to the federal Minister of Finance.

#### SPARTON OF CANADA LTD.

**Mr. Van Horne:** Mr. Speaker, I have a question for the Minister of Labour concerning the labour practices of Sparton of Canada Ltd. in London. The minister will be aware that on December 5 the company gave notice to 34 employees that they were being temporarily laid off commencing the following day. I would add in parentheses that after considerable local media attention, nine of those 34 were subsequently recalled.

The notice was given just hours before the contractual deadline after which the workers would have been eligible for eight days' holiday pay. The layoff expires immediately in the new year and was obviously intended specifically to avoid having to pay the workers for their holiday time. While the company's action is legal, it is also reprehensible.

Has the minister talked to Sparton and done anything in his power to try to convince the company to reconsider its actions in the best interests of labour relations in Ontario?

**Hon. Mr. Ramsay:** Mr. Speaker, I have not spoken personally with the representative of Sparton of Canada Ltd. but our employment standards branch has been in touch with the company and is trying to resolve the matter.

**Mr. Van Horne:** Sparton's actions this week would be bad enough as an isolated example, but they are clearly part of an ongoing campaign against the London workers. The minister will recall that questions were raised late last year and earlier this year, by me and by other members of our party and the third party, concerning the propriety of the company's



actions in establishing the non-union plant in Campbellville.

Could the minister assure us he and his officials are keeping a careful eye on Sparton's operations to guarantee the labour laws of Ontario are not circumvented and jobs in London subsequently lost as a result?

**Hon. Mr. Ramsay:** Yes, that is being done.

#### WELFARE PAYMENTS

**Mr. Swart:** Mr. Speaker, I would like to put a question to the Minister of Community and Social Services. The minister must be aware that an unemployed person who is at a low unemployment insurance rate and receiving a welfare supplement loses the welfare supplement and associated benefits if he or she accepts a Department of Employment and Immigration sponsored training course, because the government's arbitrary rules consider he or she is no longer looking for a job and is thus ineligible for welfare.

How can the minister justify this cruel rule, which puts a family income substantially below the recognized welfare level?

**Hon. Mr. Drea:** Mr. Speaker, one of the rules of general welfare assistance has always been that if one enters into a federally sponsored training program we do not supplement the federal allowance.

I am willing to look at the case, but after a lot of urging from us the federal government recently raised its training benefits because of the fact we are not in a position to use local welfare assistance money to subsidize federal training programs. Surely the member's question should be to the federal government. It is its training allowance the member is calling into disrepute, not any rules of the government of Ontario.

**Mr. Swart:** The minister is passing the buck again; of course the purpose of welfare is to supplement those who are on extremely low incomes for any reason.

I want to give the minister the case of Bruce LaRiviere of 221 Hellems Avenue in Welland, who is married, has one small child and is on unemployment insurance of \$455 plus \$51 welfare supplement. On November 21 he started a 40-week training course at Niagara College sponsored by the federal employment department. His child is in the hospital.

Because he was no longer in the work force he was cut off welfare, which of course causes him and his family to lose dental and Ontario health insurance plan coverage, plus reducing his

monthly income to \$455. He is seriously considering quitting his training because he cannot live on that income.

**Mr. Speaker:** Question, please.

**Mr. Swart:** Will the minister change this cruel regulation, in consultation with the federal government if necessary, so that this man and others in this category at least get the minimum welfare benefit?

**Hon. Mr. Drea:** I notice the member has changed the bottom of his question a little bit. The simple fact is it is a federal program and a federal responsibility. If he is going to have me, through the local taxpayers—

Interjections.

**Hon. Mr. Drea:** The member should calm down. His problem is he is running counter to the fellow waving his left hand in front of him. He is the one who does not want the local ratepayer to pay any of this at all. The member is now asking the local ratepayer through his property tax to pay and subsidize the federal government for its dereliction.

#### WEDDING OF MEMBER FOR HURON-MIDDLESEX

**Mr. Nixon:** Mr. Speaker, a point of information that I know will interest you and all members of the House is that our colleague the member for Huron-Middlesex (Mr. Riddell) is to be married tomorrow. I know all members of the House would want to join to wish Jack and Anita much happiness. We hope somehow it will strengthen his voice here in the Legislature.

**Hon. Mr. Davis:** Mr. Speaker, on behalf of our party, we not only extend congratulations but we know this upcoming relationship will temper and moderate his contributions here and may lower the decibels a little bit. We are very excited. Quite sincerely, we express our congratulations. The only thing I might add is that I would be delighted if the House leader could stand up and announce, maybe on Monday, that the member for Renfrew North (Mr. Conway) was taking a similar step.

**Mr. Riddell:** Mr. Speaker, I certainly want to thank all the members for their expressions of best wishes that I have received over the last little while. It has been hard to ascertain whether they were actually wishing me the best or commiserating with me. Believe me, my party has complained that I have become somewhat better tempered and mellow since the big day has been approaching. I do not know whether that is the case, but we will continue to carry out

our responsibilities to the best of our ability after the big day.

**Mr. Speaker:** Will it reduce your propensity for long questions?

**An hon. member:** I doubt it.

**Mr. Speaker:** Congratulations on behalf of all members.

## PETITIONS

### INFLATION RESTRAINT LEGISLATION

**Mr. Sheppard:** Mr. Speaker, I have a petition. "To the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario:

"We, the undersigned teachers, beg leave to petition the parliament of Ontario as follows:

"Whereas we oppose the extension of the Inflation Restraint Act because it is inequitable in its application to the citizens of Ontario and restricts our basic free collective bargaining rights; and

"Whereas we believe that an extension of the act or measures which will have a similar effect would violate the spirit of the Canadian Charter of Rights and Freedoms;

"We petition the Ontario Legislature to restore our free collective bargaining rights forthwith under Bill 100, the School Boards and Teachers Collective Negotiations Act."

The above petition is signed by several hundred teachers from the schools listed.

11:20 a.m.

**Mr. Di Santo:** Mr. Speaker, I have several petitions of the same tenor, signed by 15 teachers of the Queensborough Junior High School, 23 teachers of Jane Junior High School, 16 teachers of Eastdale school, 15 teachers of Fisherville Junior High School, nine teachers of Dublin Heights Elementary and Junior High School, and an individual petition of the same tenor signed by two more teachers.

## INTRODUCTION OF BILLS

### PROVINCIAL COURTS AMENDMENT ACT

Hon. Mr. McMurtry moved, seconded by Hon. Mr. Wells, first reading of Bill 149, An Act to amend the Provincial Courts Act.

Motion agreed to.

**Hon. Mr. McMurtry:** Mr. Speaker, this bill which concerns the procedures under which parking offences are prosecuted, clarifies the intent of this House when it adopted the Revised Statutes of Ontario, 1980.

Before the revised statutes came into effect,

section 147 of the Provincial Offences Act clearly established that parking infractions could continue to be prosecuted under the Summary Convictions Act until part II of the Provincial Offences Act was proclaimed. In reliance on this, municipalities across the province have continued to conduct their parking offence proceedings under the Summary Convictions Act. However, in the statute revision process, the language in section 147 was changed slightly.

This change has now been found by a county court judge to render invalid parking offence proceedings under the Summary Convictions Act, even though part II of the Provincial Offences Act has not been proclaimed.

My ministry is seeking leave to appeal the decision of the county court judge to which I just referred. However, in the light of the enormous number of cases which have been determined under the law as it was assumed to be until that decision, and of the great many cases now in progress, I believe we must settle this point as quickly as possible.

Accordingly, this bill is being introduced definitively to restore the law to the state this House had intended it to be since the Provincial Offences Act came into force. Because of the reliance which has been placed on the generally understood state of the law, in order to remove any uncertainty which might otherwise exist in relation to parking offence proceedings taken since the effective date of the statute revision, the bill is retroactive to that date.

However, in clarifying the law, I do not want to impose any hardship on individuals who have expended time, effort and perhaps, in some cases, money for legal fees in pursuing a remedy based on any uncertainty about the law. As a result, the retroactivity will not apply in crown appeals from acquittals entered up to today, nor in defence appeals filed up to and including today where such appeals are based on the ambiguity to which I have referred.

In particular, the appeal being pursued by my ministry on the decision of the county court judge will not be affected by the retroactivity of this bill. Our argument in that case will be based on the old law and will assert that His Honour erred in finding the statute revision had effected a change in parking offence procedures.

## UNIFIED FAMILY COURT AMENDMENT ACT

Hon. Mr. McMurtry moved, seconded by

Hon. Mr. Wells, first reading of Bill 150, An Act to amend the Unified Family Court Act.

Motion agreed to.

### PROVINCIAL OFFENCES AMENDMENT ACT

Hon. Mr. McMurtry moved, seconded by Hon. Mr. Wells, first reading of Bill 151, An Act to amend the Provincial Offences Act.

Motion agreed to.

**Hon. Mr. McMurtry:** The two bills I have just introduced designate the provincial courts (family division) and the unified family court on an interim basis as the youth courts for the purposes of the federal Young Offenders Act.

Despite the request of all provinces to delay proclamation of the Young Offenders Act, the Solicitor General of Canada stated last week he intends to proceed with this legislation on April 1, 1984, regardless of the needs of the provinces. Accordingly, this legislation is required immediately.

Young people who commit criminal and other federal offences are now dealt with under the Juvenile Delinquents Act in juvenile court, which in Ontario is the family court system. The Young Offenders Act will repeal the Juvenile Delinquents Act and replace juvenile courts with youth courts.

The purpose of these bills is to minimize the disruption in the court system. The Young Offenders Act comes into force on April 1, 1984. At that time, the Young Offenders Act will apply only to persons under the age of 16. Accordingly, these bills will ensure that persons under 16 who commit criminal offences will continue to be dealt with in the family court, sitting as a youth court under the Young Offenders Act.

In 1985 the federal legislation will compel Ontario to bring 16- and 17-year-old offenders under the Young Offenders Act. The addition of this age group will triple the case load in the youth courts. Consequently, we will have to consider major readjustments of our youth court system at that time and examine the options then available.

Therefore, we are proposing that the designations we are making in these bills will expire on April 1, 1985, and that the issue of designation of the youth courts for the full age range, including 16- and 17-year-olds, be brought back before the assembly at that time.

Our justice system has rarely had to deal with such a mammoth piece of legislation with so

many unknown factors. The experience we will gain during the first month of operation will greatly assist developing our policies in relation to the age increase in 1985.

In the meantime, our immediate need is to provide a youth court in 1984 for young persons under 16 years of age. These bills will provide the certainty and assurance that is necessary to maintain until April 1, 1985, the high level of service now available in our youth court system.

### PROCEEDINGS AGAINST THE CROWN AMENDMENT ACT

Hon. Mr. McMurtry moved, seconded by Hon. Mr. Wells, first reading of Bill 152, An Act to amend the Proceedings Against the Crown Act.

Motion agreed to.

**Hon. Mr. McMurtry:** Mr. Speaker, this legislation will make the crown subject to garnishment in the same manner as other employers for the wages of crown employees. It will also make the crown subject to garnishment for money owing under a contract for the supply to the crown of goods and services.

**11:30 a.m.**

In addition, the act will give crown employees the same protection of the Wages Act that is currently enjoyed by other employees. Section 26 of the Public Service Act, which sets out a cumbersome and time-consuming method to reach crown employees' wages will be repealed by the act.

### ORDERS OF THE DAY

House in committee of supply.

### ESTIMATES, OFFICE OF THE PREMIER AND CABINET OFFICE

(continued)

**Mr. Nixon:** Mr. Chairman, normally when we conduct these estimates we have a nice give and take of views. I have the funny feeling the Premier (Mr. Davis) is under the impression that we are all going to unload and then he is going to unload. Am I to gather that we now have a new process that is like second reading of a bill, where the minister sits and absorbs all this marvellous stuff, then responds and that is it and we do not have a chance for the kind of give and take that might lead to debate on a subject?

**Hon. Mr. Davis:** Mr. Chairman, that is not the intent. My understanding was that both the leader of the Liberal Party and the leader of the New Democratic Party were today otherwise



constructively engaged. There are three or four items I sensed the leader of the New Democratic Party wished to be here to discuss, and I would assume the leader of the Liberal Party would like to be here for two or three issues as well.

I thought if there were other matters that do not relate to those that have already been raised which the House leader would like to raise and so on, I would be delighted to reply. But I was just anxious to have them here to participate because I gather we are going on again Monday afternoon around five.

If the member for Brant-Oxford-Norfolk is saying to me we could wrap up all of this by 12:30 today, I would not object to that either.

**Mr. Nixon:** It is quite possible, and I appreciate the Premier's concern that our deputy leader and the leader of the NDP be present for his responses to what they brought to his attention earlier in the week. I had the impression from the comments made by the member for Renfrew North (Mr. Conway) that we were embarking on another procedure. My own feeling is that many of the estimates—not this one, of course—have been somewhat marred by overly lengthy speeches from the minister concerned.

**Hon. Mr. Davis:** You know how long I took.

**Mr. Nixon:** From the minister concerned. As I said, this does not apply in this case exactly.

But I really do think all of us in the House are going to have to give some thought to the review of the estimates expenditures in the future, since many of the Premier's colleagues in the ministry have seen fit to have prepared extremely long screeds, normally prepared section by section by the employees in their ministry, which they then read at the beginning of the estimates. Many of these speeches are up to 100 pages in length and unbelievably boring, the sort of thing that absolutely kills any sort of investigative process around here that might lead to an exchange of views.

I should say, to be fair, that this is often followed by a carefully prepared review from the other point of view of the kind of criticism of the estimates that, while it is not as long and fascinating in its content, tends to stultify any sort of exchange of views, which is supposed to be what we are here for.

I have raised it with my colleagues and I hope the Premier will bring it to the attention of his

colleagues, particularly one of his senior colleagues just now entering dock.

**Hon. Miss Stephenson:** I haven't said anything.

**Mr. Nixon:** I know. All right.

While we are giving some thought to the improvement of our rules, we should also perhaps do some things about the activities around here not really governed by rules but governed, we hope, by good sense and an understanding that we do have a responsibility to keep things moving a little bit and slightly interesting. The worst things that happen are these 100-page loads of material unloaded by the ministers as they go into their estimates. They may have the bright idea that somehow they are going to use up the limited period of time, which often amounts to 20 hours or more of pure good stuff. When one starts off with a two-and-a-half-hour speech, really it is absolutely cruel and unusual and we have got to stop it.

Having said that, I have a few remarks on a subject dear to the Premier's heart. As I mention it, I have a feeling that it will electrify the House. It has to do with the future of the Indian community in Ontario.

I raise this particularly for two reasons. First, since we are approaching prorogation, I understand the Premier and first ministers across Canada will be called to a special conference, mandatory under the constitutional amendments, to deal with the future of the Indians in Canada. Of course, we are concerned with their future here in Ontario.

The second reason I feel it is appropriate to speak briefly on this matter is that we are just approaching the bicentennial of the arrival of the largest and, in my view, the most progressive group of Indians anywhere in Canada, the Six Nations.

There are one or two matters here which surely bear some discussion since we now have received copies of the report of the federal committee of parliamentarians. In my view, it is one of the most important and far-reaching committee reports, at least for its proposals, that we have had with regard to the Indian community in my time in politics.

**Mr. Stokes:** Self-government.

**Mr. Nixon:** My friend who is knowledgeable in this matter, the member for Lake Nipigon, who has spoken about it many times, has interjected the word "self-government," which essentially it is.

The report calls for the phase-out of the Indian Act and the Ministry of Indian Affairs

and Northern Development, which has for a century been criticized and damned and yet, under the circumstances, has often been generous, sometimes to a fault. It has done the best it could under circumstances which have been trying and in many respects, I suppose, self-defeating. As long as the attitude has been in this country—and reflected in this province—that the non-Indian community knew best what was appropriate for the Indians, then we were doomed to failure.

One of the most glaring examples was the historic situation about 100 years or more ago when a company was formed for navigation on the Grand River, travelling largely through lands owned by the Six Nations Indians and granted to them by the Haldimand charter 200 years ago.

With the coming of the steam engine and the trains, it was decided that the government of Canada, which had large investments in this system of barges going up and down the Grand River, ought to persuade and, in fact, did persuade the Indians with their band funds created from the sale of lands over the many years to invest their money in the system which was in operation on the Grand River.

Within a decade the whole business had been lost and the money was lost. The Indians had lost the moneys that had been collected through the sale of their lands. The whole thing was the most preposterous fiasco one could ever think of. The Indians, to their credit, do not go around beating their breasts and crying about it; they did for a long period of time. Sometimes, almost as a joke, it is raised in reference to the wisdom of the Indian's white brother in helping him with his investments. Most of us have been on the receiving end of that kind of assistance but never on such a scale as this, where the Six Nations really lost their financial birthright because of the actions of the then government of Canada.

Probably that is the most glaring example, but there are many others, particularly involving some of our reserves and the Indian communities in the far north of Ontario where well-meaning people in offices in Ottawa, Toronto and perhaps in some of the northern urban areas have made decisions "for the good of the Indians." In many respects, those decisions have turned out to be among the most tragic disasters to which any race we have observed has been subjected.

11:40 a.m.

It is almost appalling when we read some of the accounts of the lifestyles that have developed in some of the Indian communities. Naturally, this is not true of all of them, but it is almost difficult to read these accounts. Some weeks ago there was a series, I believe in the *Globe and Mail*, in which some of the circumstances of the type I am talking about now were referred to. I do not intend to talk in any detail about what went on or what still goes on, but obviously something has to be done to improve the ability of the Indian community to improve their lifestyles themselves.

The federal committee worked long and hard. The chairman of the committee was Mr. Keith Penner, MP from Cochrane-Superior. I believe he is a former minister of the United Church; is that correct? That is probably irrelevant, but it indicates that throughout his career he has had a dedication in his training and acceptance of personal responsibilities that would lead him very effectively into the chairmanship of this committee. We need only read the report to realize what tremendous labour has gone into it, and a commitment that this time, surely, the recommendations are going to be significant and worthy of support and enactment.

When we passed the amendment to the Constitution making meetings with the Indian community mandatory, I thought that was probably the most preposterous constitutional amendment I had ever heard of. Imagine the Canadian Constitution having as its first amendment—a phrase we often hear in reference to the Constitution of the United States of America, which guarantees the right of free speech—simply that meetings with the Indians are mandatory. I did not feel too good about it. Naturally, I spoke in favour of the amendment, and I am glad those meetings are taking place.

Now that there is some sort of rapport breaking through the miasma of indifference and carelessness that has been the earmark of our policies for a century, I really think we are on the verge of doing something useful. The Premier—and I would be glad to hear his views—might also feel we can do something more than just mark time and make the obligatory nice comments about how something must be done. Now, with the leadership given by this committee of parliamentarians in Ottawa, we can consult with the Indian leadership and move on with a great experiment where there is such goodwill, in all the people and governments at all levels and the Indian community

itself, that there are great prospects for real success.

I want to speak briefly of the Six Nations community, which in my view is one of the most progressive anywhere in Canada. I have told members many times, but nobody ever remembers, that it is the largest Indian reserve by population in Canada.

**Hon. Mr. Davis:** I remember.

**Mr. Conway:** We all remember.

**Mr. Nixon:** Good, good. But they do not seem to react; they tend to glaze over.

**Hon. Mr. Davis:** I never glaze over anything.

**Mr. Conway:** Gloss over or glaze over?

**Mr. Nixon:** No. It is my friend's eyes I am talking about.

**Mr. Conway:** They are not normally visible.

**Hon. Mr. Davis:** I squint a lot. It is the bright lights; I am not used to them.

**Mr. Nixon:** I will soon be drawing my remarks to a close, but I want to tell members that the chief of the Six Nations, who was recently re-elected by acclamation, and his new council, which was not elected by acclamation—as a matter of fact, they had very hot and heavy ward elections there—now constitute a council with experienced and new people in it. Led by the chief, who has had that responsibility for three or four terms, they could provide some of the best basic advice to the Premier and his colleagues. I hope he will go out of his way to see that those people and the other Indian chiefs in the province do have a chance to speak to him personally and to the delegation that will go from Ontario.

Many of them will be able to speak through their own spokesman at that meeting, but I feel quite strongly that with this report, the goodwill on all sides, the constitutional amendment and unusually able leadership in the Indian community, we are now in a position to work out the kinds of solutions that all of us hope for.

There is a good deal more to be said, but perhaps I will let it rest simply at saying that this is the time for the kinds of actions that will break through the terrible difficulties we have experienced for 100 years and then some.

It is particularly fitting since the Six Nations Indians are celebrating their bicentennial in this country. There are reports Her Majesty the Queen will be visiting the Six Nations reserve and will be formally opening Her Majesty's Chapel of the Mohawks, which is undergoing an extensive renovation.

**Hon. Mr. Davis:** And if she does, will you be invited?

**Mr. Nixon:** Well, will the Premier? That is the question.

**Hon. Mr. Davis:** I hope so.

**Mr. Nixon:** That is very good.

I know we must bear in mind that Her Majesty, in visiting the Brantford area, is honouring the Six Nations. They have been here for 200 years; nobody can question that date. It is a real bicentennial, and if we do not think about their role in history then we are truly ingrates.

I am not prepared to tell members again, as I have told them before, about their role on the British side in the American Revolution. They came here as Loyalists, and when the American concept of manifest destiny was pursued in the War of 1812, many people, including me, believe that General Brock and the Six Nations Indians saved the nation. Without the Indians fighting there, my forefathers and many other farmers going to war with pitchforks and a few muskets probably could not have withstood the horde of republicans from the south. But with the Indians they won the war and they kept the Americans on the other side of the Niagara River finally. There is no doubt about it; this would not have been possible without the Indians.

While we are marking their bicentennial, we must be aware of the great role they played not only in the history of our nation but also in our community right here.

We are proud of those people, and they are on the verge of a change in their role and status in our country that in my view is one of the most important prospects we have faced in a decade. I know the Premier has all the goodwill in the world, but he has the opportunity, along with the other first ministers, for some significant accomplishment that will mark this conference coming up as a benchmark in the history of our country.

**Mr. Stokes:** Mr. Chairman, I have listened, as I always do, to the comments of the member for Brant-Oxford-Norfolk (Mr. Nixon). We covered in general terms where we stand and what I think our collective responsibility is to our first citizens when we had the debate on the constitutional amendment here. It is always interesting to have the member for Brant-Oxford-Norfolk remind us of the historical significance of the role that those first citizens played in and around the southwestern part of the province.

But I want to talk to the Premier, for the first



time I think, about an ongoing saga within the present administration. I want to remind him of a sessional paper that was introduced in the House by the member for Cochrane South (Mr. Pope) when he was Minister without Portfolio and had some responsibility for developing a freedom of information act.

In October 1980, the member for Cochrane South gave a ministerial statement with some background information and a compendium, which included a letter from the first minister to all ministries, and I would like to quote from that document. It says:

**11:50 a.m.**

"This government is committed to greater openness in its administration and increased access by the citizen. To this end, the Premier last week wrote to all ministers with guidelines for civil servants in communicating with the public. Let me quote briefly from that letter:

"Between now and the time freedom of information legislation is enacted and the administrative apparatus for its operation is in place, there is a great deal we can do to give the policy of open government meaning and consistency. A step that can be taken in this interim period is to encourage open and responsive behaviour among public servants in their daily dealings with the public, particularly including members of the Legislative Assembly and representatives of the news media."

That is the end of the quote from the Premier's letter. The member for Cochrane South went on to say, "The guidelines instruct civil servants that the basic communications position for the government of Ontario is to be 'open' as opposed to 'closed' and goes on to lay out a code of expected conduct."

In the guidelines the Premier issued to all the ministries, there was a list or a code that everybody was to be governed by. I want to read them into the record.

"Policy guidelines for civil servants—communications with the public:

"1. The basic communications position of the government of Ontario is to be 'open' as opposed to 'closed' in its dealings with the public.

"2. Members of the civil service have a duty and a responsibility to communicate with the public, including particularly members of the Legislative Assembly and representatives of the news media.

"3. While the staff function and support of communications efforts in ministries is the responsibility of ministry communications personnel, program managers should be prepared

to explain and describe programs of policies for which they are responsible and which have been announced or implemented by the government, and to assist, wherever possible, in helping members of the public obtain additional information.

"4. Ministerial responsibility will result in queries on policy and policy alternatives being restricted to ministers while civil servants will restrict themselves to factual information. It is not appropriate for civil servants to discuss advice or recommendations tendered to the minister or to speculate about policy deliberations or future policy decisions.

"5. It will be normal for civil servants to be interviewed by the media in regard to factual information and to be quoted by name in regard to such interviews.

"6. Civil servants acting in good faith under these guidelines will not be considered as having violated their oath of secrecy.

"7. Nothing in these guidelines authorizes the disclosure of information which is specifically prohibited from disclosure by law, nor do they authorize the disclosure of information which would jeopardize enforcement proceedings, security, cabinet confidentiality, individual privacy or confidentiality of commercial information supplied to the government on a confidential basis."

My reason for raising that at this time is to try to elicit a response from the Premier. Notwithstanding these fairly understandable guidelines, which were released in 1980, we still have this problem. I do not want to go over the MacAlpine saga. He is back at work providing yeoman service for the ministry he is employed by. He has the total and undivided support of everybody in the northwest who knows what he is doing. He is a young, enthusiastic, dedicated civil servant, and I hope what has gone on before will be put behind him and everything will be fine and dandy.

But in people who are just as dedicated as that person was, I sense a reluctance to be open and to try to explain what the roles of various ministries are. The Premier will know that people are becoming much more involved in land use planning, land use guidelines, the management of forestry resources, fish and wildlife resources—all the things that people in the north in particular are affected by.

We know that in terms of tourism there is a conflict in land use guidelines or land use planning unless there is an openness, a frankness and a willingness to try to accommodate

each other's need to use the land base in a specific way without encroaching unduly on somebody else's use of it. There has to be an openness.

As a result of the incident that happened previously, I sense a real reluctance in people to be as open as I think they must be if there is going to be understanding, as in the case of the fishing agreement.

I applaud the efforts of the member for Cochrane South, the now Minister of Natural Resources, to try to come to grips with that thorny problem. Because there is not an openness, there was an obvious conflict between two of the Premier's ministers. It was an honest difference of opinion, I believe; nevertheless, it was there. There was not the perception in the public as to what the member for Cochrane South was attempting to do. He is still having problems with his counterparts at the federal level.

Going back briefly to something the member for Brant-Oxford-Norfolk was saying in his remarks about our first citizens, if the Premier looks at the intent of that fishing agreement, the native people are making a concession. When one sees what the courts have been ruling with regard to the enforcement of fish and game laws, most of the decisions by the courts have come down in favour of our first citizens.

The Premier saw his colleague the member for Cochrane South being able to reach an agreement, an understanding or a compromise where we make our first citizens part of the whole process of conservation and wise utilization of those resources. I think that was a major coup. I have no hesitation in saying that. But it certainly was not done with unanimity, and some ministers of the crown denied any knowledge until after the agreement was signed in December 1982, I believe it was, about a year ago.

There is a need for openness, not because we think the Premier is being nefarious, stonewalling or anything like that, but because of the sort of mindset that all governments have, where they think, "We don't want to give all the information because that would be giving away the store, tipping our hand or something like that."

## 12 noon

The Premier knows the dialogue that went on in Ottawa for several years when Jed Baldwin was in many respects trying to make the same speech or the same plea in Ottawa as I am making here.

If I was asked to bring in a freedom of

information act, I am sure I would have great difficulty because I do not know the background to it all. I have never been in cabinet and I never will be. But the first minister makes statements and sets guidelines, such as wanting it to be open as opposed to closed, and saying members of the Legislative Assembly should be briefed and brought up to date and any information that does not involve cabinet secrecy should be made available to us.

It is not being made available. My colleague the member for Nickel Belt (Mr. Laughren) attempted to get information about the stocking levels in our regeneration process in the wise management of our forests. When we got the information, we started to muse about it in public. Then the minister and his deputy said we did not understand the data. When we got others more knowledgeable than us about how to analyse forestry data, survival rates, "free to grow" and all these technical terms foresters use nowadays, they said we should change our method of data retrieval, our method of interpreting, because the kind of data we are putting out now tends to be somewhat misleading. We should work it right through the whole system again.

That is just one instance where, if they collected realistic data about the number of trees we are planting, survival rates and what we are attempting to do, that would be fine and dandy. We all make mistakes, we are not perfect, but in the dissemination of information, how much easier it would be if we were all on the same wavelength, if we had the same information they had about something as important to the people in Ontario and the economy of northwestern Ontario, where 75 per cent of all industrial activity is directly related to forestry.

We have over 40 communities in northern Ontario that exclusively owe their very existence to the forest industry and our ability to manage it well. How much easier it would be if there was a free flow of information, a dialogue with the professionals out there who are charged with the responsibility of managing that very important resource on our behalf. But that is not happening.

Finally, the Premier will know that our top-level civil servants, particularly in the Ministry of Natural Resources and the Ministry of Northern Affairs—the Deputy Minister of Natural Resources will be all finished at the end of this year. I am not telling any tales out of school. There is going to be quite a significant change in

the top-level civil servants the Premier will be announcing in a matter of days, I suspect.

Let me remind members that the former Assistant Deputy Minister of Natural Resources who became the Deputy Minister of Northern Affairs, when he reached the time in his career when he could retire on full pension, did just that. He has taken a job in the private sector as a lobbyist for the sawmills and lumber mills in Ontario. That is fine. I have not heard that he is upsetting the apple cart.

However, there was a former Assistant Deputy Minister of Natural Resources who is now in the private sector on a consultant basis who is saying that unless this government and this ministry does certain things, we are going to be in real trouble with regard to the supply of timber. In quite detailed fashion, he is saying what the ministry must do and what the government must do. He was one of those who was primarily responsible for developing the policy and the management of that very important resource.

We have another one who was a chief forester of regional forests who has gone into the private sector. He is teaching at a university. He is telling what we must do to get our act together. As I say, there are three or four very senior civil servants who have gone back to the private sector and are now looking back at from whence they came.

**Hon. Mr. Davis:** Which is always the easiest, I have discovered.

**Mr. Stokes:** Yes. What does the Premier think about that kind of thing? Almost without exception, while they are in our employ, civil servants are very dedicated people. One can differ with them philosophically but I think they are all honest, sincere, dedicated civil servants. However, as soon as they reach that 35-year mark and get their maximum pension they take off for greener pastures and they start looking back and saying, "This is what you must do to clean up your act."

Darn it all, they are the very people who presided over any sins of omission or commission and now they are hiring themselves out as expert consultants to be critical of the very things they were responsible for in the first place.

This causes me some problems. I want to know what the Premier is going to do to really put into effect this policy of openness and fairmindedness, in sharing of information with the public generally and with members of the Legislative Assembly, as he suggests in his

guidelines and as was echoed in the remarks in this sessional paper which was brought in over three years ago by the member for Cochrane South (Mr. Pope).

**Mr. R. F. Johnston:** Mr. Chairman, there are two matters I would like to raise. I will not take much time. I know a number of things have already been raised and the Premier would like to respond to those. However, there are two matters of concern I would like to raise and he will probably notice these have been emphases of mine in the last year or so.

First is the whole question of poverty in Ontario, the question of the redistribution of wealth and that function of government and how it operates. The second is disarmament issues. Given the Premier's feelings about the resolution I brought forward, what kind of action does he feel we should be taking at the provincial level to encourage moves toward multilateral verifiable disarmament in the world.

If I can deal with the redistribution of wealth and just preface my thoughts by saying I think it is not just this government but most governments in Canada and in the western world have not really reviewed their policies on poverty issues in a systematic fashion since the mid-1960s.

Instead, what we have tended to do is to look at individual programs, to adjust them as there are sometimes political pressures on them or when matters of social justice make it obvious there should be changes in them. We have made modifications for some groups more easily than others.

I think of the elderly who, as a group, seem to be more politically acceptable or have more clout in terms of them being able to receive systematic increases to their incomes in the province and in the country, whereas other groups have had to wait for individual decisions by individual ministers in each province and that kind of thing. There really has been no systematic approach to it.

**12:10 p.m.**

What I would like to urge the first minister to review would be that this is a very good time to review in total the poverty package in terms of who are the people who are in poverty; those who are less well off than the vast majority of people in Ontario, not only as defined by some of the academic sort of poverty lines that exist.

What are the programs in place? How is our safety net? Is it inequitable? Is it in good shape



in all its areas? I would suggest there are many areas where it is not.

We have just announced an increase in the minimum wage for those people who are our working poor in Ontario. I do not want to debate, as I have in the past, the question of the amounts. What I want to discuss is the process that we undertake for looking at the minimum wage. We have not done a thorough investigation in this province, nor have I been able to find one done well anywhere in this country, defining who are the people on minimum wage or just around minimum wage.

There have been some spotty kinds of studies done but nothing very systematic. There has been no approach devised to ascertain what kind of methodology for increasing the levels for those people can be put into place that will not have the effect of then injuring the industries which employ those people.

I think rather than leaving it up to, as all provinces do, individual ministers of labour or other ministries to come forward to a cabinet meeting and say now is the time for an increase and place arguments on a very ad hoc basis, it would very good if we had a formula for dealing with that, an idea of how we could systematically deal with that issue. We should have open hearings that would involve employers, employees and various social groups who would like to talk about that.

I think it is our working poor who in many ways in this country and in this province are suffering the greatest hardships at this point. Surely we would all agree the work ethic is one of the basic knitting factors within our society, very important to people's self-esteem, and one that needs to be supported as much as possible.

In another area, we have allowed our whole level of welfare to be very much determined by what the property tax base can bear. In this context, not just on that particular issue alone and the way it is administered differently in different parts of the province, that is part of this poverty fabric and the reassessment needed of it all; we should be looking very seriously at the policy matter which says that the property tax should bear any of that burden at all. I think it would be appropriate to do so.

I think it is also appropriate to look at the whole range of disabled individuals in this province and the variety of levels of income they receive. We have about a \$100 a month difference for a single individual who is disabled to live on as a basic income, compared with that

which a single senior citizen receives as basic income in Ontario.

That disabled person is going to be disabled for the rest of his life, just like the senior citizen is going to be old for the rest of his life. In fact there can be many arguments made that a single disabled person has greater financial needs than a single senior.

I would also argue that in looking at the question of employment and the disabled, and that whole question therefore of poverty and institutionalized structured poverty, when one looks at that in terms of government figures indicating that as high as 80 per cent of those disabled who wish to work are unemployed, the other kind of categories we talk about in terms of youth unemployment and other groups in our society who are suffering the recession at the moment are nowhere near as hard hit as the disabled people who would like to be out there in the work place.

We have this incredible range where if one is injured on the job one has a whole set of protections that come in with a minimum amount one can receive from workers' compensation, which is well above that which one receives if one happens to be born with a congenital disease and is disabled in this province for that reason.

I think it is time we looked at a comprehensive insurance package for people who are injured, through illness or disability on the job or on the way to work, or wherever it happens, so that at least there is some kind of social justice and equality within that framework.

We continually have raised in this House, and again not just to deal with it in terms of the issue as it is raised but in terms of this package, the question of the relative poverty of single seniors on basic income, as compared with married couples, and the need for us as legislators to act to give them approximately 60 per cent of the income of the married couple so that they will again have an equal capacity to get by in our society with the heavy costs that are borne by people on low incomes at this time.

A lot has been made already of native communities and their needs and the question of autonomy and decision-making and that sort of thing. I would suggest that in the little experience I have had in this field, and I would acknowledge that in comparison with that, for instance, of the member for Lake Nipigon (Mr. Stokes), I have been shocked and stunned by the levels of poverty that we still see in our native communities in many parts of this province.

That issue must be dealt with both in terms of the overall poverty questions we have and also in terms of why it is that our policies, not just in this province but across the country, have failed in terms of redistribution of wealth and in terms of our native community. I really think it is time we looked at that.

We look at our tax system and the way we approach giving assistance to some people in the lower income levels. I would suggest it is not equitable in terms of the various kinds of groups who receive assistance. If I could just make a comparison between a disabled person and a senior citizen, the senior citizen gets a tax grant. One does not get that as a disabled person.

One can be living in a very similar situation but not receive the same kind of economic assistance at the same time as one is receiving less basic income than the senior citizen. We should take another look at our tax system and how it can be used to redistribute the wealth in our society.

There are two other brief matters I would like to raise that I think have to be looked at in this package. One is the older worker and the effects of recession and plant closings. I am not thinking about somebody such as the Premier but people in their 50s; people in my riding, the SKF Canada Ltd. workers whose average age now is 51 or 52; the Canadian General Electric Co. Ltd. workers who are going to be laid off in the next little while. We know it is very hard for those people to be re-employed.

We know the changes in the structure of our economy are such that they are less likely to benefit by the changes in technology than our younger workers, and yet because of our failings in terms of portable pension plans and any system of being able to assist those people through that 10-year period when they may be with either part-time work or occasional work before their retirement, they are going to be moving into poverty, something which they had never anticipated because they have been trying to prepare for it in a very systematic way for many years. In terms of this poverty matter, we must look at the effects on older workers in general.

The final thing I would suggest on this issue is that the housing question and the failings, in general terms, of our housing policy to meet the needs of those people who are less well off in our society is something which we must address.

The second matter I wanted to raise is the question of disarmament. As the Premier knows, I raised the notion of us taking action at the

provincial level to declare ourselves a nuclear weapons free zone and hoped that would meet with nonpartisan support within the House.

The results are now on record and I do not wish to dwell on them at this point. The first minister took the position that his problem with the resolution was primarily that it was ultra vires, that it was not in our mandate to deal with defence matters, but was a question of the federal government's jurisdiction in this area and therefore my resolution was inappropriate.

I would like to know from the first minister what he feels would be appropriate action. What kind of things can we do in a consensual way in this House to lend our support to those people who are trying to take action for disarmament within their various jurisdictions around the world? Would the Premier see it as an appropriate act, for instance, for us to have a resolution come forward from this House to support the actions of our first minister in Ottawa and the kinds of things he is trying to do? Would that be an appropriate kind of gesture for us to make?

I do believe the people in our society in Ontario would like to see us take some action. They need to believe something can be done. They need to believe it is something which is of concern to members of this House. If my particular approach to it was not appropriate, I would like to hear from the first minister what he thinks would be appropriate; and I will lend my support to any kind of consensual action we can take here to get the notion across that action can be taken, that we are interested, and that we believe it is something we should interest ourselves in at this level.

I would very much like to know the first minister's opinions of those two matters: the overall review of poverty policy in this province, and some assistance or direction as to where we might go on disarmament issues.

12:20 p.m.

**Ms. Bryden:** Mr. Speaker, we have a somewhat new situation in the Premier's office with the appointment in May of a Minister responsible for Women's Issues. It was long overdue. Many other provinces and the federal government have had such a cabinet minister designated for that kind of work for a long time.

We now have a women's directorate with an executive director and some staff. We now have a co-ordinator of initiatives in the field of family violence responding to the report of the social development committee on battered women.

We now have all the present programs for women co-ordinated in one directorate.

It has been given a huge mandate. According to the Minister responsible for Women's Issues (Mr. Welch), "The Ontario women's directorate has been created with a mandate to help us achieve justice, equity and fairness for women in every facet of life." In addition, the Premier promised us studies on every piece of legislation submitted from now on to determine the impact of such legislation on women.

I want to ask the Premier to tell us things that cannot be ascertained from the present estimates for the Premier's office. The estimates contain no separate section for the women's directorate or for the Deputy Premier's work in connection with his new responsibility as the spokesperson on women's issues. We do not have any legislation setting up the directorate, so we are not entirely sure what its mandate is. We do not have any provision for an annual report and we do not have a clear picture of how the independence of the Ontario Status of Women Council will be preserved now that it has been brought under the Deputy Premier and his directorate.

I would like the Premier to give us some concrete and precise figures on what he is planning to spend on the Deputy Premier's responsibility in this field and on the directorate, and to promise us an annual report on what progress is made each year.

There has been little progress in the 10 years since the green paper on women's issues came out. That was in 1973. It is rather interesting that it came out under the name of the minister who is now the Minister responsible for Women's Issues, who was Provincial Secretary for Social Development at that time. We need much more precise information than these estimates give us on the funding and the complement of both the directorate and the Deputy Premier's responsibility. Could the Premier supply us with that information either today or by letter at some future time?

**Mr. Foulds:** Mr. Chairman, I just want one question on the record that I hope the Premier will address. Why does the Premier not establish a select committee on Ontario Hydro or on energy?

**Hon. Mr. Davis:** Mr. Chairman, I am never at a loss, but I am just wondering if all the matters have been raised that members wish to raise and whether I can cover them all in the next 35 minutes, which would mean the conclusion of the estimates, or on Monday if we are going to

be here to discuss them further. Then there are two or three matters that I think, in fairness to the leader of the New Democratic Party and the leader of the Liberal Party, I would like to do in their presence. I am looking for a little guidance from across the House.

**Mr. Conway:** On that point, Mr. Chairman, the Premier should know that the issues that are currently before the committee do not represent the alpha and the omega of our concerns about his office. We would appreciate his response to those issues that have been raised, but there are others that I and some of my colleagues will be pursuing during the remaining time of estimates on Monday or whenever.

**Mr. Foulds:** Mr. Chairman, the Premier can feel free to respond to any of the questions by the leader of the New Democratic Party. He has asked me to be here in his place and we will take note of them and respond accordingly.

**Mr. Conway:** Mr. Chairman, on that point, since I raised the issues on behalf of our party and intend to raise some additional ones on a subsequent occasion, the first minister need not worry; he can take this opportunity or any other in these estimates to respond to issues we have raised or concerns he would like to ventilate.

**Hon. Mr. Davis:** Mr. Chairman, I may have one or two I might raise. The thing I always find intriguing about the estimates of the Premier's office is that it has always been the tradition that questions are asked, and very properly so. However, I have never found anything in the estimates—maybe on occasion—where the head of government on this side of the House might just query, not the expenditures by members' offices, because we are all the same in that regard, but the public funds allocated to the discharge of the responsibilities of the Leader of the Opposition. I think the deputy leader of the Liberal Party might make a few notes of some questions I might be prompted to ask if I were acting in an area of public scrutiny of the wisdom of those investments, but I do not intend to raise them.

**Mr. Conway:** I know your classes at university were large, but even you understand the dictates of responsible parliamentary government. We get to ask the questions; you have the duty to answer.

**Hon. Mr. Davis:** But I can pose questions. The classes were large when I was there, and I have my own view of what might be asked with regard to political science, etc. I may not raise



them; I may wait until the leader is here on Monday.

**Mr. Conway:** You clearly have something to say. I am quite prepared to hear you out now.

**Hon. Mr. Davis:** No. I think after the article on December 7 you might have lost some of your enthusiasm.

**Mr. Conway:** I can assure you that none of my enthusiasm has waned here or elsewhere in the Far East.

**Hon. Mr. Davis:** I will get back to that on another occasion.

I perhaps will discuss some of these matters in reverse order. I do not know whether the member for Scarborough West (Mr. R. F. Johnston) is coming back in. I am sorry. I should start with the member for Beaches-Woodbine (Ms. Bryden). I have not had an opportunity to check, but I will before Monday. My recollection is that the estimates for the women's directorate are found in the Ministry of Labour estimates, which I think—and her House leader can—

**Ms. Bryden:** That is incorrect.

**Hon. Mr. Davis:** I will check that out, but they are not provided for within my estimates. The member for Brock (Mr. Welch) is the Minister responsible for Women's Issues, but there is no statutory provision for including that vote as a ministry because it is not a ministry, so a part of it is in my estimates. But I will clarify this for the honourable member for Monday.

Dealing with the matters raised by the member for Scarborough West, I do not intend, I would say to the member for Port Arthur (Mr. Foulds), to reply in any detail except to note his observations with respect to the concern about the great variety of programs relating to the disadvantaged within our communities, using that in the very broad sense of the word.

I have made a note of his suggestions that there could be some reconciliation of some of these programs. I have never said that in programs of this nature or policies of this government there is never room for improvement. History has recorded over these past number of years that in all these areas we have made progress. The member for Scarborough West would argue that it is not enough, that it is not as comprehensive as it should be, and I think these are understandable, constructive criticisms. These are the judgements that government is called upon to make.

12:30 p.m.

I would make this rather general observation when discussing the needs of the disadvantaged or the handicapped in Ontario. I do not say for a moment we have accomplished everything by any stretch of the imagination, but I think back to my own experience in the House of the progress we have made in statutory provisions over some number of years and in policy as it relates to the economic conditions of these people in our society.

I understand that some members opposite will argue it is not sufficient. I am not going to get into a debate. I do not think it would serve any useful purpose in terms of our assessment as to whether it is or is not sufficient. I was interested in the suggestion that perhaps there could be uniformity—perhaps that is not the right word; it is not the word he really intended—some better reconciliation of the variety of programs that exist. I might convey to the member for Scarborough West that I understood that part of his discussion.

I will move to an area the member for Scarborough West raised this morning, I would say, speaking very personally, in a rather constructive fashion. I do not often comment on what is contained in the reportings of proceedings in this House. I have learned over the years that to argue with the people who with great regularity can correct us six days a week, and perhaps we may get one chance, does not make much sense. By and large, they are sometimes right, so I do not often indulge in this.

**Mr. Conway:** That is not what the Premier was saying in Stormont, Dundas and Glengarry 24 hours ago.

**The Deputy Chairman:** Order.

**Hon. Mr. Davis:** I have not had so much fun in a long time. I said to the fellow from the Ottawa Citizen who was sitting there—and he was a very charming young man, I must say—“Do you know what I would like to see in the Ottawa Citizen?”

**Mr. Conway:** You are making my point so well. Did you threaten to take his St. Lawrence parks pass away?

**The Deputy Chairman:** Order.

**Hon. Mr. Davis:** No. I just said to the gentleman, “This is what I would like to see, after reading some of those totally untrue Liberal ads. ‘The Premier says unequivocally and unhesitatingly that no one is planning to take \$100 per household away from those great people in that riding.’”

**The Deputy Chairman:** Order. I recognize the member for Port Arthur on a point of order. He is truly trying to get us back on the subject.

**Mr. Foulds:** Mr. Chairman, are the Liberals' ads paid for out of the estimates of the Premier? Would you mind keeping the Premier on the subject.

**The Deputy Chairman:** I was in the process of doing so when you stood to help me.

**Hon. Mr. Davis:** I was interrupted.

**The Deputy Chairman:** I know.

Interjections.

**Mr. Conway:** Did you threaten to take his pass away?

**The Deputy Chairman:** Order.

**Hon. Mr. Davis:** I did not threaten anything. I did not call my former leader stupid or any of those things.

**The Deputy Chairman:** The Premier was speaking on a point made by the member for Scarborough West.

**Hon. Mr. Davis:** Mr. Chairman, the member for Renfrew North is provoking me and I swear I am not going to be provoked this morning. But I keep reading this and the temptation is tremendous. It is overwhelming, but I want him to be here.

**The Deputy Chairman:** The Premier was speaking to a point made by the member for Scarborough West.

**Hon. Mr. Davis:** I just want to make this observation to the member for Scarborough West. I was not present when that private member's resolution was debated. I am not offering this as a criticism, but I must say it disappointed me just a little bit and it upset a certain member of our household who has some very strong views on this issue to read in a column that the Premier was either so uninterested or so busy that he was going to attend a fund-raiser and was not here in the House when this was discussed. I think that was the tenor of one or two lines.

I felt badly about it because I have never been here for private members' discussions on matters that are as important to me as to the private members in this House. Perhaps it could be open to question, but I have always taken the position that private members' business is for private members. Obviously, if I come into the House and express a point of view, then I am construed as speaking for what perhaps should be government policy.

I just interject that. I did not have the

opportunity. I am not being critical of the journalist who wrote it except it did disturb me because the impression was left with some people that I was not interested and that I was off to a fund-raising dinner. The reality is I did not leave here until after six o'clock that evening and the end of the debate itself.

**Mr. Conway:** Mr. Chairman, on a point of order: Just to correct the record on what is a very important matter, I raise this in light of the Premier's most recent remarks and in the presence of my esteemed parliamentary colleague the member for High Park-Swansea (Mr. Shymko) who said on that day, November 24: "I will say something I should not be telling members now. After question period recently, someone from the Premier's office came to me and said, 'The cabinet is worrying about what you will be saying. Make sure you don't go overboard.'"

Perhaps the member for High Park-Swansea has told us that the interest of the Premier's office in what goes on in private members' hour is not quite as he just reported it.

**Hon. Mr. Davis:** With great respect, that is not what I said. I think the honourable member is misconstruing and misinterpreting—I will use that phraseology. He should ask the member for High Park-Swansea if I have ever suggested that in private members' hour. I was with him at a luncheon the other day. We sat there and I made my modest contribution. Then I listened to the member for High Park-Swansea deliver an excellent speech totally in Ukrainian. I applauded vigorously and I am not exactly sure what he said.

**Mr. Conway:** I have a feeling his Ukrainian would tell us more than the Premier's English.

**Hon. Mr. Davis:** I have a feeling that may be the case. Sometimes I worry about the member being able to understand all of those things I have to say.

**Mr. Conway:** You are not easy to understand.

**Hon. Mr. Davis:** I understand that. I understand the member for Renfrew North does not always find it easy to understand me.

**Mr. Conway:** You are always speaking in parables, most of which are quite incomprehensible.

**The Deputy Chairman:** Order.

**Hon. Mr. Davis:** At least I try to deal in facts as much as I can.

**Mr. Conway:** Parabolic and parabolical.

**Hon. Mr. Davis:** The member deals in hyperbole.

**Hon. Miss Stephenson:** That is right.

**Hon. Mr. Davis:** With regularity. Let us face it. I can even spell it if the member wants me to. Can he?

Now getting back to the matter—

**Mr. Conway:** My classes were small.

**Hon. Mr. Davis:** His classes were small and his horizons are small. I did not have the good fortune. I went to university when classes were still very large and where the underfunding was—

**Mr. R. F. Johnston:** Mr. Chairman, on a point of order: I enjoy the repartee as much as anybody does, but it was an important issue and I would not like to see it demeaned by carrying this on much further. Might the Premier continue with the response? I think this is a waste of time.

**Hon. Mr. Davis:** Mr. Chairman, I do not want to be interrupted by the member for Renfrew North, but he does put his foot into it and I cannot help but reply. Also, I have to say that he has some colleagues who do the same thing on occasion.

**Mr. R. F. Johnston:** We all do.

**Hon. Mr. Davis:** We all do. Let us move back to the matter.

I do not really have a suggestion as to what position this House might in unanimity take. I do not want the position of the members on this side of the House to be misunderstood either in terms of what they felt or the vote that was taken.

Very recently at a Conservative fund-raising dinner, which is not always the most appropriate place to say what I said last Tuesday evening, where primarily Conservatives but also a number of former good Liberals were also in attendance, I did not use the word "compliment," but shall we say, I—

**Mr. Foulds:** Endorse.

**Hon. Mr. Davis:** —endorsed the present activities of the Prime Minister of Canada.

I am not going to go back from that statement. While others may perhaps be somewhat cynical about it and while some may say there is political motivation here, and we are all professional politicians, I said it even before the fund-raising dinner but I repeated that evening that I was supportive of the initiative he has taken.

As I say, on this very crucial matter, which is

not an issue in terms of the jurisdiction of this House, the point I was endeavouring to make to the members of the press was that it is an issue that I am sure concerns each and every single member. When I was asked about the resolution by the members of the press, I did point out, and I may be wrong in my interpretation of the law, that it was not within the competence of this Legislature or of any provincial parliament to "declare this province a nuclear-free zone." I may be wrong in that, but I think that legal point of view is correct.

**12:40 p.m.**

As I read some of the discussion that went on, I think it was a constructive sort of dialogue. I do not think anyone in this House is not as sensitive as the member for Scarborough West is to the enormity of this issue in the global sense. One does not have to watch every single newscast every day of the week to see what is happening in the Middle East, which does not relate necessarily to the member's concern about disarmament but which none the less is disturbing to each and every one of us. One sometimes wonders what the answers are even in that, shall we say, restricted geographic area in terms of what the ultimate solution may be.

I was concerned about the escalation that took place two or three days ago, at the larger intervention of one of the countries involved. Yet when one looks back at what happened to them about three weeks ago or whenever, one asks oneself: "Where is the balance? What is it we can do to create a greater measure of understanding?"

I do not purport to have the answers to that. I would not object if the member were to focus on that one geographic area of the world which is in turmoil at this moment. I think he would get all-party support for a resolution to say, "Let us find a way to solve the problem." But the member and I know that is not going to have any practical effect.

Then one moves into the broader area, the very real concerns that are raised with respect to activities in this country as they relate to the obligations of Canada as a partner in the North Atlantic Treaty Organization. One looks at the problems that would be experienced by any country as a member of the NATO alliance taking a position that is contrary to its partners. The member may argue with me that Canada would have to opt out of the NATO alliance and, as I read it, that is really what his resolution would mean if it were to be put into effect and taken to its logical conclusion.



With respect, if the member would take it to its logical conclusion, I do not know how else he could come to any other sort of decision. He may disagree with me, and I am trying to be really constructive on this; I am not playing any party politics—

**Mr. R. F. Johnston:** You are against conventional weapons, which is also what Denmark is in favour of.

**Hon. Mr. Davis:** Sure, but I suggest to the member that if we are to meet some of our commitments as a partner in NATO, the logical conclusion one could draw from his resolution—I may be wrong in this, but I do not think so—would be to opt out of our NATO commitments.

I guess the thing that has always given me the most trouble in all these discussions has not been any lack of commitment on the part of myself or anyone on this side of the House to see disarmament take place and to see greater stability in the world community. It is the feeling that we may express these points of view—there are people in other countries of the world expressing this point of view, and we all know it—yet there is a very large country, not just in terms of geography or in terms of population, where one does not sense this same feeling is manifesting itself. The member may have some indication that it is; I certainly have not seen it.

I am not sure history can teach us everything in situations of this kind, but there are always some lessons from history. There is fairly recent evidence, and I think what happened in Afghanistan has to be considered as still relatively recent in historical terms. There has been no real explanation offered on the part of the Soviet Union with respect to the tragedy of that aircraft. One looks back in history and asks oneself: "Is there any sort of sense on the other side?"—I do not like to be saying "sides," but I guess that is what we are saying—"Is there any evidence that they are as concerned as we are and are as motivated as the member would like to see the public of this country become?"

I do not think one has to do any polls or anything of that nature to know the people of this country and the people of this province are genuinely concerned. My only observation to the member is that we can express this concern. I think in the debate, that concern was expressed by everyone.

I do not find any easy way of translating that into something tangible which will have some influence or impact upon the other major force in this world debate. That is where I wish I had

some sort of constructive suggestion to offer to the member. I hope he understands my point of view. We are as committed as anyone. The problem is, how does one do it when it relates to one side? That is where we are at and the difficulty that faces me at least in a rather personal sense. I hope that helps the member in terms of my—

**Mr. R. F. Johnston:** I appreciate the time you have taken.

**Hon. Mr. Davis:** It may come as a great shock to the member, but I feel as keenly on this as he does. It may be that we will not agree on how this might be solved, but I just hope he does not think—and I know he does not—that he has a monopoly on concern. I just want to make that quite clear.

I do not purport to be an expert on all these international matters, but I do tend to keep an eye on them. I read the member's resolution very carefully; I tried to take it through to some sort of logical conclusion. He may disagree with where that leaves us, but I am not too sure that I am wrong. Anyway, we will leave that for another time.

The member for Port Arthur will convey to the member for Lake Nipigon (Mr. Stokes)—I quite often just say "Nipigon"—who may be in the area there to hear me, that I was interested in his review of the policy guidelines I sent out to members of the public service and his observation that in some instances they are not being totally observed. I am not sure of that.

What I could not understand, and what the member opposite might ascertain for me, is whether he was also concerned about former employees of the government moving into the private sector and then being constructively critical of those programs with which they were involved. I could not quite get his point as to whether he was saying they were acting contrary to appropriate policy etc. I was not sure.

The only point I will make on this issue, which is difficult, is that the distinction I had hoped was really inherent in the communication to the senior public service in 1980 was the fact that I believe senior government officials have an obligation to communicate factual information, certainly to members, to the public and to members of the press.

I always try to draw a distinction in having a public servant involved in, shall we say, defending policy or taking on what might be construed as a somewhat political connotation, about which I am sure members opposite would be the

first to complain. It is a very fine line in some issues; I think we all understand that.

However, the real intent of that communication was to say to senior public servants that if the member for Port Arthur or a member of the press calls and says, "How many of this are there in an existing government program?" or asks them to be helpful or to communicate information, I think that is appropriate. But I do not think it is appropriate to ask a public servant to get involved in the discussion of the formulation of policy or advice given to a minister etc., for these things can then become a matter of public debate.

One of the great difficulties I have always experienced in government, because we are talking here about openness, is the attempt on the part of government on occasions to involve the members and the public in a greater form of dialogue. We have used green papers, white papers, blue papers and so on.

**Mr. Foulds:** The Hydro select committee.

**Hon. Mr. Davis:** I will get around to that.

We have used that sort of process. I do not think there is the degree of misunderstanding in that process, which I think in many cases can be helpful, that existed four or five years ago. I have been here on many occasions when white or green papers were tabled—and I am not being critical here; it is a fact of life—when there was an assumption that the green paper or the white paper represented committed government policy. That has been the history on a number of occasions, and it is the kind of thing that makes it difficult to have the sort of nonpartisan or objective discussion of the issues raised in the paper that is very helpful in the governmental process.

I think things are better than they were four or five years ago, but it is something that government has to face in a practical sense. I would like to think, in the context of the apparent desire on the part of the member for Lake Nipigon to have a broader discussion of some of the sensitive issues in northern Ontario related to some of the matters he raised, that these discussions could proceed in a constructive, nonpartisan fashion.

But I caution the member for Port Arthur, because I have been here a shade longer—

**Mr. Foulds:** Twice as long.

12:50 p.m.

**Hon. Mr. Davis:** Yes. I have seen how some of these things have developed. With the greatest of respect—well, at least a measure of respect—

there is a tendency on the part of some members opposite to use some of this information, if we are having a public discussion, to take sides and make the issue a partisan one. I am not being critical of this; I am just stating factually what happens. I hope the member will convey to the member for Lake Nipigon my awareness of the points he raised.

I want to move to the matters raised by the member for Brant-Oxford-Norfolk. I will deal with them very briefly, because I think the government House leader (Mr. Wells) covered a good part of this in the debate on the resolution of this House. I have made a note which I would like to convey through the deputy leader of the Liberal Party of Ontario about the member's observations about the bicentennial and the importance of the Six Nations. The member has always expressed this in this House and properly so; I understand it.

I would only make this observation. I too look forward to the first ministers' meeting in March. It is fair to state that Ontario played a rather important role in having the other first ministers and the government of Canada commit themselves to this process as part of achieving a consensus close to unanimity at the time the charter proposals were accomplished.

This is open to correction, but I think the government here has developed a very good working approach to these discussions with the leaders of the native groups in this province. That does not mean we will necessarily accept all the suggestions they will be making or that they will agree with every position we present. But I think there has been the opportunity for discussion and presentation of points of view, and we will be able to move towards these meetings with a very real measure of understanding.

There will be further meetings. I am committed to meeting with the leaders of the native peoples of this province prior to the meeting in March. There will be other ministers' meetings and involvement with the native people.

I was interested in the member's observations about the federal report. It is a very important report, in my view, dealing with many aspects. The one aspect that was highlighted was the concept of self-government. People who have raised it with me do not totally understand; they tend to confuse self-government with sovereignty. That is not the intent, as I understand it.

It is a question of self-government within some defined area that would be comparable to another level of government—I think one might

use this terminology—whereby certain responsibilities that are now discharged by the government of Canada primarily, and in some cases by the provincial governments, would be assumed by the native people themselves.

I think we have to be very careful that the public does not get the impression that self-government means something more than was the intent of the paper or what the native people are suggesting. At the last first ministers' meeting there were several good presentations explaining this which perhaps were not totally understood. I hope that sort of misunderstanding will not emerge.

The deputy leader might convey to the member that if he has any further thoughts on this matter prior to the meetings in March—the House will not be in session—he should not be reluctant to communicate them directly to me or to the Minister of Intergovernmental Affairs or the Attorney General (Mr. McMurtry).

Mr. Chairman, I guess I could keep going—

**Mr. Conway:** What about the Alan Gordon matter?

**Hon. Mr. Davis:** I am going to deal with that, because it is an important matter. I really want to deal with it when the leader of the New Democratic Party—I will do it on Monday.

**Mr. Conway:** Mr. Chairman, on a point of order: I am trying to accommodate the Premier's interest in this connection, and I appreciate he is a busy man, but I have raised the issue and I came here expressly to put some questions to him about that matter. Unfortunately, I may not be able to be here on Monday. I have about five minutes. Since I raised the questions, I found the time to be here to begin the Premier's estimates. I would hope that as a matter of courtesy to me at least, he might simply deal with Mr. Gordon in the remaining time this morning.

What are the Premier's intentions, if any, at this point? Does his government intend to redeploy Mr. Gordon in the immediate future? If so, does he know where? If so, will there be a reduction in rank and salary as a result of his difficulties in his former incarnation as Deputy Minister of Government Services, about which the auditor has had so much to say in recent weeks?

**Hon. Mr. Davis:** Mr. Chairman, I really want to deal with this matter, not in a lengthy period of time, but in terms of the whole process, the role of Management Board etc., as it relates to this matter.

I can tell the member, and he can accept this or not, that there has been no determination at all made with respect to Mr. Gordon at this moment. When I say no determination has been made, I mean I have not made any decisions as to what his future might be within government. The member will just have to be patient; I hope he will understand that it will take a period of time.

**Mr. Conway:** Do I then understand the Premier to say that Mr. Gordon continues to draw his salary as Deputy Minister of Government Services and that until a determination is made he will remain in that capacity? Am I clear on that?

**Hon. Mr. Davis:** No. He does not remain in the capacity as deputy minister. I have accepted his resignation, which was, if the member will read the letter of resignation, without any qualification or anything of that nature. Under the rules of the public service of this province, I think Mr. Gordon is entitled to certain holiday pay or whatever it is. The matter will be dealt with, but it will not be dealt with in the next 48 hours or three or four days.

**Mr. Conway:** He is not now an employee of the Ontario government?

**Hon. Mr. Davis:** I am not saying he is not in the employ of the government or that he is not drawing whatever he would be entitled to, but he is not acting at all in terms of the Ministry of Government Services. His resignation has been accepted and that has been final.

**Mr. Conway:** So if I phoned him, could I reach him in the government of Ontario today?

**Hon. Mr. Davis:** I can almost guarantee the member that he might not reach him, period, today. I am just saying I think he may be away for a few days, I am not sure of that.

**Mr. Foulds:** Supplementary—

**Mr. Chairman:** The Premier was proceeding with an orderly answer to this question.

**Mr. Foulds:** Mr. Chairman, I just wanted a supplementary. Did I understand the Premier to say he is committed to finding a job for Mr. Gordon in the public service of Ontario and that at the present time he continues to draw the salary he would be earning as if he were still an active deputy minister?

**Hon. Mr. Davis:** I am not sure exactly what the ground rules are. I think anybody who leaves the employ or who is in the process of change from one job to another is entitled to some form of compensation. The member for



Port Arthur may not agree with that, except I have to tell him that the position of his party on so many other issues has been totally on the other side.

**Mr. Conway:** This is serious. You are his employer.

**Hon. Mr. Davis:** I say to the member for Renfrew North, I am trying to be helpful; I am not getting into some of these more provocative issues, which he tempts me to do.

I read that article in the *Globe and Mail* and I said to myself, as I listened to him the other day and I sensed that he was being constructive, that he believed those things he was saying. Then I read what his leader said, and he can stand up here and say he never used those words. I have to tell the member, no newspaper picked those three names out of a hat. If he does not think the seed was not planted, that he had been pursuing some of these things—and I would never plant it.

Interjections.

**Hon. Mr. Davis:** Please, do not provoke me, because it is too close to one o'clock.

I am telling the member it is my statement to him that there has been no determination as to where Mr. Gordon may be in the public service or under what terms or at what salary level. I received his letter—when was it?

**Mr. Conway:** A week ago today.

**Hon. Mr. Davis:** A week ago today. Whether the member accepts this or not, and I thought he was very gracious in his observations last week, he cannot reach Mr. Gordon as a deputy minister today; he cannot. I will be dealing with this, but I cannot tell him it will be done by Monday afternoon; I cannot give him that undertaking.

**Mr. Conway:** Are we correct in assuming he is on a severance leave right now?

**Hon. Mr. Davis:** No, the member cannot assume that. His status is up in the air. I guess I cannot describe it in any other fashion. I cannot describe it in any other fashion until such determination is made. If the member cannot accept that, which I would like to think he could—

**Mr. Conway:** I've got to accept that.

1 p.m.

**Hon. Mr. Davis:** Sure. To me it does not sound very unreasonable.

In the 30 seconds that are left, I want to deal with the very major issue raised by the member for Renfrew North, the moose lottery. I have

had my staff spend hours developing a detailed response on what was obviously the most urgent of matters for the member for Renfrew North who felt, during the Premier's estimates, with inflation and unemployment still as problems as well as many other issues some of which are never contained in the estimates of the Premier's office, that the moose lottery was very high on his list.

**Mr. Conway:** If the government cannot run a moose lottery, it cannot be counted on to run much else.

**Hon. Mr. Davis:** We can run a moose lottery. We are running a moose lottery. It is being done well. The moose hunters are content. They have had a pretty good season. I am going to tell the member that this moose lottery works better than in any other province in Canada, because I do not think they have any other moose lotteries in the rest of Canada.

**Mr. Conway:** The government fouled up the moose lottery.

**Hon. Mr. Davis:** No, we did not foul up the moose lottery. The computer made a mistake.

**Mr. Foulds:** Are you making fun of this?

**Mr. Chairman:** Order.

**Hon. Mr. Davis:** I would never make fun of moose hunters.

**Mr. Foulds:** You are doing it.

**Hon. Mr. Davis:** I did not. I am making fun of the member whose major priority is the fact that the computers did not work. We altered them; we made it more equitable. People were allowed to reapply. It worked extremely well, supported by some of the naturalists' groups and the anglers and hunters. I have quotes from all over. I just wanted to assure the member we know how to run a lottery and it is working well.

**Mr. Conway:** Mr. Chairman, on a point of privilege: I want to be very brief and clear, because for the thousands of good people in Renfrew North for whom I have the great pleasure of being their representative, there is no more important issue in the fall of any year than the hunting regulations of the government of Ontario.

**Mr. Chairman:** Order.

**Mr. Conway:** Those people know this government fouled up the moose lottery.

**Mr. Chairman:** Order. The member for Renfrew North will please take his seat.

**Mr. Conway:** If you cannot run a moose

lottery properly, you cannot be allowed to run anything else. That was my point.

**Hon. Mr. Davis:** I want to make it abundantly clear, Mr. Chairman, we know how to run a moose lottery.

**Mr. Chairman:** It was not a point of privilege. Would the Premier perhaps move that the committee rise and report?

**Hon. Mr. Ashe:** On a point of order, Mr. Chairman—

**Mr. Foulds:** It is past one o'clock.

**Hon. Mr. Ashe:** That is fine. I think that may be what is out of order.

Mr. Chairman, may I draw to the attention of the Chairman, seeing he was in the chair today, that perhaps we could have some clarification on another day either from yourself or from the Speaker as to the role of the electronic communications system in this chamber. One of the things that prompts the kind of back and forth response from a member who sits in his place is the putting on of the loudspeaker system. I am not quite sure that adds to the decorum in here and probably prompts the back and forth debate that should not take place.

**Mr. Chairman:** I did notice the light go on when the member did not have the floor. We will look into that.

On motion by Hon. Mr. Davis, the committee of supply reported progress.

## BUSINESS OF THE HOUSE

**Hon. Mr. Wells:** Mr. Speaker, before moving the adjournment of the House, can I indicate the business and perhaps with the agreement of the House have permission to make a motion?

The business for Monday afternoon is as announced: Bill 111, which will go until about five o'clock, when the Premier's estimates will be begun and the complete time will be taken on them. On Monday evening, we will deal with second readings and committee of the whole, if necessary, on Bills 132, 133, 119, 120, 121 and 134.

If there is time, we will then go to the Social Development policy field concurrences, beginning with the Provincial Secretary for Social Development, Education, Colleges and Universities, and Community and Social Services. Following each of these concurrences in

order will be the supplementary estimates for the Provincial Secretary for Social Development, Citizenship and Culture, and Community and Social Services.

On Tuesday afternoon, we will do second reading and committee of the whole, if necessary, on Bills 139, 145, 147, 144, 135, 136 and 142. The business for Tuesday evening will be announced on Tuesday afternoon.

**Mr. Foulds:** Mr. Speaker, I have a question for clarification. Is my understanding correct that, horrible thought, should Bill 111 go beyond 5 p.m. on Monday afternoon, it would be the first item of business on Monday evening?

**Hon. Mr. Wells:** Of course my friend knows that, Mr. Speaker, but I have a pretty good assurances from everyone that it will likely be finished in the time available. We will have to face that when we come to it.

I failed to indicate, Mr. Speaker, that there is an agreement that any votes for Monday afternoon will be stacked until 10:15 on Monday evening.

**Mr. Conway:** I have a feeling the Premier's attitude early next week will determine—

**The Acting Speaker (Mr. Cousens):** Order.

**Hon. Mr. Davis:** I shall be here the following week.

**Mr. Conway:** So will I.

**Hon. Mr. Wells:** Mr. Speaker, in order to put in place the concurrences and the supplementaries to be handled in the way I indicated, could I have agreement to make a motion?

**The Acting Speaker:** Does the House agree? Agreed to.

## MOTION

### SUPPLEMENTARY ESTIMATES

Hon. Mr. Wells moved that the supplementary estimates of the ministries of the Provincial Secretary for Social Development, Citizenship and Culture, Community and Social Services, Attorney General and the Office of the Assembly be transferred from the standing committees to the committee of supply.

Motion agreed to.

The House adjourned at 1:07 p.m.

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Ashe, Hon. G. L., Minister of Government Services (Durham West PC)  
Boudria, D. (Prescott-Russell L)  
Bradley, J. J. (St. Catharines L)  
Brandt, Hon. A. S., Minister of the Environment (Sarnia PC)  
Bryden, M. H. (Beaches-Woodbine NDP)  
Conway, S. G. (Renfrew North L)  
Copps, S. M. (Hamilton Centre L)  
Cousens, D., Deputy Chairman and Acting Speaker (York Centre PC)  
Davis, Hon. W. G., Premier (Brampton PC)  
Di Santo, O. (Downsview NDP)  
Drea, Hon. F., Minister of Community and Social Services (Scarborough Centre PC)  
Elgie, Hon. R. G., Minister of Consumer and Commercial Relations (York East PC)  
Foulds, J. F. (Port Arthur NDP)  
Grossman, Hon. L. S., Treasurer and Minister of Economics (St. Andrew-St. Patrick PC)  
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Timbrell, Hon. D. R., Minister of Agriculture and Food (Don Mills PC)  
Turner, Hon. J. M., Speaker (Peterborough PC)  
Van Horne, R. G. (London North L)  
Wells, Hon. T. L., Minister of Intergovernmental Affairs (Scarborough North PC)











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# Hansard

## Official Report of Debates

### Legislative Assembly of Ontario

**Third Session, 32nd Parliament**

Monday, December 12, 1983

Afternoon Sitting

Speaker: Honourable John M. Turner

Clerk: Roderick Lewis, QC

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# LEGISLATIVE ASSEMBLY OF ONTARIO

Monday, December 12, 1983

The House met at 2 p.m.

Prayers.

## STATEMENT BY THE MINISTRY

### INDIAN LAND AGREEMENT

**Hon. Mr. Pope:** Mr. Speaker, I would like to make a statement today about the negotiation of a proposed new Canada-Ontario Indian land agreement which was alluded to in press reports yesterday.

First of all, I would like to explain the issue, which has been the subject of continuing negotiations and discussions over the past number of years. The governments of Ontario and Canada and representatives of the Indian people of Ontario for some years have been looking for ways, through negotiation, to remedy weaknesses in the 1924 Canada-Ontario Indian Lands Agreement, which has the full force and authority of both provincial and federal legislation.

The responsibility for the administration and control of land reserved for the Indians was allocated to the federal government by the British North America Act of 1867, now the Constitution Act. Subsequent decisions of the Privy Council in the 1880s brought to light a conflict between that federal responsibility and the responsibility of Ontario through another part of the BNA Act for land and other natural resources.

The governments of Ontario and Canada attempted to sort this out through the 1924 Indian lands agreement. However, it has been the position of the federal government for some time that the 1924 agreement did not accomplish its objectives and that there was no legal basis for many of the land transactions with respect to Indian reserve land that has been surrendered for sale.

This issue has been subject to continuous negotiation and discussion for some time. It has been continually a point of discussion in my ministry's estimates in recent years. It was also identified in the response to an order paper question put forth in this House in 1982 by the member for Riverdale (Mr. Renwick). The issue was again raised in the most recent estimates of my colleague the Provincial Secre-

tary for Resources Development (Mr. Sterling).

Negotiations have been under way through the Indian Commission of Ontario, a forum that involves the governments of Ontario and Canada and the grand chiefs and presidents of the status Indian organizations in Ontario.

Mr. Speaker, you can appreciate the sensitive and complex nature of this matter which I presented to my cabinet colleagues in confidence. I sought advice from my cabinet colleagues on the position that Ontario should take on various matters and sought to obtain confirmation of positions taken in an attempt to negotiate an agreement that would be fair and just to the Indian people as well as protect the legitimate interests of all residents of Ontario. We identified 23 separate points for our discussions in cabinet.

With respect to Ontario's position, the Constitution Act of 1867 assigns to Canada the responsibility for "Indians and land reserved for the Indians" and assigns to Ontario the responsibility for the administration and control of all crown land and other natural resources in the province.

Since 1867 Canada has had responsibility for the administration and control of Indian reserve land in Ontario. However, there are problems because of the lack of a clearly defined responsibility for the administration and control of Indian reserve land when it has been surrendered for sale. Ontario's position is that the federal government must bear responsibility for past and future original patents of land and any legal liabilities associated with that responsibility.

Ontario must retain complete control and responsibility for road allowances and beds of navigable water bodies. Ontario must also retain overall responsibility for the administration and control of crown land and resources within the province. Ontario is striving, however, in the context of the current negotiations, for an agreement which will be fair to all parties.

Another very significant objective of Ontario in these negotiations is to guarantee the federal patents for land that was surrendered Indian reserve land. Such land has been sold and patented by Canada, but the courts have ruled the responsibility for the sale of crown land,

including surrendered Indian reserve land, rests solely with Ontario.

This could have a direct impact on a large number of residents of this province. It is our objective to ensure the successors in title to those federal patents, the current land owners, are protected and that their root of title is sound.

The subject of mineral rights on Indian reserve land is also a complex and significant issue in our negotiations. Ontario is prepared to negotiate on a quid pro quo basis the request of the Indian people for additional revenue from mineral exploration on Indian reserves.

My final point addresses the question of the extreme sensitivity of these negotiations. In any negotiations the parties develop positions which, when issues are discussed, are used in arriving at a consensus. It is Ontario's intent to use the various positions developed through these discussions with my cabinet colleagues in these ongoing negotiations with Canada and the Indian people on the new Indian land agreement.

The members will understand, of course, that our negotiating position should not be announced publicly prior to the negotiations. It is only fair to the other parties that we take our positions first to the negotiating table. Not all of the elements of the discussions in cabinet will be our initial negotiating position, but may or may not be fall-back positions.

I can only emphasize that full recourse to public debate will take place at the appropriate time. Because any new agreement will provide the means to supersede the Indian Lands Act of 1924, it can only be implemented by legislation and, it goes without saying, there must be a full public debate on it by elected representatives in the Legislature of Ontario and the Parliament of Canada.

The proposed new Indian land agreement will serve as the framework in Ontario for subsidiary agreements with individual Indian bands. The negotiation of these subsidiary agreements will involve the individual Indian bands and the governments of Ontario and Canada, as well as local municipalities and other interested parties at the appropriate time.

It is very unfortunate that these negotiations may have been placed in jeopardy by premature release of all elements of Ontario's negotiating position. I can assure the members I will continue to work towards a resolution of the issues surrounding responsibility for the administration and control of Indian reserve land in Ontario.

## CORRECTION OF NEWSPAPER REPORT

**Hon. Mr. Eaton:** Mr. Speaker, on a point of privilege: I rise to correct the record. There is a report in the Globe and Mail that MPPs are now free to write off pots and pans. It goes on to say that two members moved a motion that the Board of Internal Economy—

**Mr. Kerrio:** No. They said some of them should be selling them.

**Hon. Mr. Eaton:** Probably.

**Hon. Mr. Welch:** The member for Niagara Falls is first in line.

**Mr. Speaker:** Order.

**Hon. Mr. Eaton:** It goes on to say that two members moved the motion and it was passed by the Board of Internal Economy. That is incorrect. It was unanimously voted down by the Board of Internal Economy. Mr. Speaker, I thought you, as chairman of that board, would like to have that record corrected.

2:10 p.m.

## ORAL QUESTIONS

### CHILD ABUSE

**Ms. Copps:** Mr. Speaker, I have a question for the Minister of Community and Social Services. Perhaps the minister has had a chance to review some of the recommendations of the standing committee on social development in its report on child abuse that was tabled today.

I know the minister is planning some overall changes to children's legislation, but I wonder if he might act immediately to tighten up certain provisions of the Child Welfare Act dealing with the register and with the issue of putting on professionals the onus to report when there are reasonable grounds to believe child abuse has occurred. Is the minister considering immediate amendments to those sections of the Child Welfare Act?

**Hon. Mr. Drea:** First of all, Mr. Speaker, I want to thank the committee for that very excellent report, particularly in view of the fact that they endorsed everything I have been doing since last year. I did meet with the committee—

**Mr. Bradley:** At third hand and outside.

Interjections.

**Hon. Mr. Drea:** What was that?

**Mr. Speaker:** Never mind the interjections, please.

**Hon. Mr. Drea:** That was a very derogatory remark. No wonder no one wants to stand up and admit making it. One should not make fun

of the problems children are having from an anonymous place in the Liberal front bench.

I believe the Ontario Centre for the Prevention of Child Abuse is already dealing with one of the recommendations of the committee that the honourable member is talking about. In the training course for professionals—and as the member knows, the first two classes have gone through—their attention is drawn to the mandatory requirements of the Child Welfare Act with regard to reporting child abuse.

Frankly, I do not know how one can make it tighter. The act says now that one must report. If one does not, one can be charged, fined and so forth. If it was a question of people not reporting because they did not understand the act, then I could see tightening it. But as the committee said, it does not really have many solutions to this problem. It has outlined the problem and it understands the difficulty, but when we come down to the concrete results the committee does not have too many suggestions as to what can be done.

If the member is asking me to tighten up the act, she should tell me how. Right now it says, "You must report. Here is the fine."

**Ms. Copps:** I am referring specifically to recommendation 17, which states that the Child Welfare Act must be amended so the obligation on every individual to report suspected cases of child abuse is not contingent upon the abuse being caused or permitted by the person who has the charge of the child.

The minister will no doubt be aware of a case I brought to the attention of his colleague the Attorney General (Mr. McMurtry) in recent months regarding a woman in Hamilton by the name of Gail Cochrane. She herself ended up on the child abuse register and temporarily lost her children because a baby-sitter, who was subsequently convicted in the criminal court of sexual assault, had entered her apartment and sexually assaulted one of her children.

**Mr. Speaker:** Question, please.

**Ms. Copps:** In that kind of situation, does the minister not feel we need immediate amendments to the Child Welfare Act to make sure the person who ends up on the register and the person who is faced with the criminal conviction in court are one and the same person? The gaping loophole in the present legislation allows a person who is convicted of child abuse to remain off the register while the person who has charge of that child at the time of the incident is on the register.

That is a matter of record. The minister can get in touch with his colleague the Attorney General if he would like to confirm those facts.

**Hon. Mr. Drea:** I do not want to talk about a particular case, but I will tell the honourable member right now that her interpretation of the act is not correct.

Let us take the most absolute case, a child molester. If that child molester contacts and molests that child on the street and is convicted, then that molester is on the child register. One of the interpretations of "in charge" is that it does not refer to a parent or a baby-sitter or whatever; it is the person that has, in effect, exercised control over the child.

The member is shaking her head. If she wants to look at the register, and if she were in a position to do so, she would see the very loophole she is talking about is not a loophole.

**Mr. R. F. Johnston:** I wonder if I could have the minister's comments on recommendation 22, also about the registry, which suggests we amend the registration of those cases to include those where there are "reasonable grounds to suspect" rather than the "verifiable" case that we have at the moment.

**Hon. Mr. Drea:** I am somewhat in sympathy with that, although I must say there is a concern in regard to the protection of civil liberties. There has to be a great deal of attention paid to that word "reasonable." I think that is one of the things we would like to address. It is a very difficult area. Quite frankly, "verifiable" is relatively easy, but it was put in the present legislation because we wanted to have a protection on the individual so it would not be a witchhunt or that type of thing.

By the same token, there have been some very stringent definitions of what "verifiable" means. It is too stringent, if one wants to put it that way. I think one of the things Dr. Bates is doing in the Ontario Centre for the Prevention of Child Abuse in the training of a multidisciplinary series of professionals right across the province is bringing a new interpretation and approach to this. We will certainly continue to look at this because I agree there are not enough cases being reported in this province.

**Ms. Copps:** I must return to the minister's original interpretation of the section, because it is clear from his statement here in the House today that he disagrees with the finding of Judge Allen in the Kim Anne Popen inquiry. He stated: "... it is my opinion that section 49(2) does not impose upon the professional person



or official the duty, and thus liability to the penalty set forth in section 94 . . . by a relative, neighbour or family friend who cannot, in any sense, be regarded as having 'charge' of the child."

It is quite clear that under the present legislation, if the individual who is involved in the molesting does not have the charge of the child—and again I refer to the case which the minister may be familiar with, of a woman in Hamilton who herself ended up on the child abuse register while the convicted assaulter was not on the register—

**Mr. Speaker:** Question, please.

**Ms. Copps:** Will the minister immediately implement recommendation 17, which was unanimously endorsed by all members of the committee who saw the glaring loophole Judge Allen saw in the Kim Anne Popen inquiry?

**Hon. Mr. Drea:** What I will do is ask the chief law officer of the crown for an opinion on the matter. I am sure I will be vindicated, but if I am not, then I will recommend to him that the appropriate changes be made.

[Later]

**Hon. Mr. Drea:** Mr. Speaker, on a point of privilege: I am sure the member for Hamilton Centre (Ms. Copps) did not mean to confuse the record by suggesting the principal in the particular case she discussed in regard to child abuse was placed on the child abuse register because of something her baby-sitter did.

The facts of the particular case, so the House can ponder them, were that the mother was placed on the child abuse register for failure to prevent sexual abuse of her child. The person who sexually abused the child was a male acquaintance of the mother and was also placed on the register. The reason she was placed on the register was that she was in quite close proximity—indeed, in the same place—while this was going on. I did not want to have the record show or try to imply that a woman who hired a baby-sitter who did something to her child suddenly wound up on the register.

It is also a matter of record that when the ministry was contacted, the lawyer for the particular woman recommended that he seek an expunction hearing so his client could be removed from the list. In almost two years neither the client nor he has come forward for such a hearing.

**Ms. Copps:** Mr. Speaker, on that point of

order: Obviously, the minister is relating the incidents as I have described them.

**Mr. Speaker:** It was not a point of order.

**Ms. Copps:** If it was not a point of order, Mr. Speaker, you should not have allowed the minister to carry through with it.

**Mr. Speaker:** Order.

**Ms. Copps:** Mr. Speaker, you allowed the minister to get his remarks into the record, although they were not a point of order.

**Mr. Speaker:** I allowed him to correct the record as he saw it.

**Ms. Copps:** I am applying the same principle, which presumably applies for all members.

**Mr. Speaker:** All right.

**Ms. Copps:** I am suggesting those facts are the facts exactly as I related them. In fact, she was in the apartment at the time of the occurrence, which is the whole point of why the Child Welfare Act has to be amended. She was in charge of the child and she ended up on the child abuse register, even though the perpetrator ended up with a criminal conviction. It seems to me clear that the law has to be changed and the minister, obviously, has missed the whole point of the discussion.

#### TRUCK SAFETY

**Mr. Cunningham:** Mr. Speaker, I have a question for the Minister of Transportation and Communications pertaining to the recommendations of a coroner's inquest conducted in Hamilton as a result of an accident which, unfortunately, involved a fatality that occurred on September 20, 1982, at the Claremont access, where a 42-year-old man was killed after his car was hit by a runaway truck.

Is the minister aware of the recommendations put forward by the coroner's inquest which concluded last week? What steps is he prepared to take to see that these very worthy recommendations are made?

**Hon. Mr. Snow:** Mr. Speaker, I am not aware of the detailed recommendations. I have not received them yet. I presume they will be sent to me.

2:20 p.m.

**Mr. Cunningham:** I am somewhat surprised the minister would not be aware, in view of the fact that officials from his ministry conducted an inspection three days after the accident at the Brantford compound of Cronkwright Transport. That inspection showed that 19 of the 20 trailers at the facility had defective brakes; only

one was roadworthy. Further, one of the minister's own spokesmen indicated that four out of 10 heavy trucks on the highway today had the same kind of brake deficiency. Finally, testimony given at the inquest by drivers indicated they knowingly use defective equipment or risk losing their wages for the day the vehicle is being repaired.

Is the minister prepared to implement some meaningful changes in the context of safety certification? More particularly, is he prepared to remove the inspection process from the company itself and require independent analysis to ensure that every truck on our highways is safe?

**Hon. Mr. Snow:** Mr. Speaker, yes, I will give consideration to those suggestions by the honourable member.

The inspections carried out by my staff, to which he referred, would have been done following the accident, which I believe was in September 1982. The inquest, as I understand it, was completed last week. I stated that I had not received a report or the recommendations from the inquest. It is not unusual for it to be a little while before I receive them. I read about them in the newspaper long before I receive them officially.

**Mr. Cunningham:** Since almost 25 per cent of the accidents that involve fatalities are truck-oriented, and the ministry officials indicated quite clearly as long as a year and a half ago there are some major problems in terms of vehicle fitness, in addition to correcting the deficiency with the inspection process that I made the minister aware of five years ago, will he take it upon himself as well to see that all class A licence operators are re-examined periodically to ensure that, at minimum, they have some passing understanding and knowledge of the operation of air brakes?

**Hon. Mr. Snow:** One of the things the ministry is considering is an air brake endorsement for truck drivers. That is one of the initiatives we are reviewing. No final decision has been made on it yet.

As the member knows, we had Dr. Uffen carry out an extensive review of the whole matter of truck safety. Those recommendations have been received; many of them have been implemented and others are in the process of being implemented. I gave a detailed report on the Uffen commission to the Legislature this fall and we are continuing with those recommenda-

tions. We are also continuing with safety checks at our truck inspection stations.

Another matter that has been considered is extending the commercial vehicle safety inspection certificate program, which we have in force now, to a broader range of vehicles. That is also being considered at this time.

#### FOREST MANAGEMENT

**Mr. Rae:** Mr. Speaker, my first question is to the Minister of Natural Resources, and it concerns the forestry industry and the atmosphere of secrecy, indeed almost a siege mentality, which appears to have taken over at the Ministry of Natural Resources.

In particular, I would like to ask the minister about the fact, of which he is aware, that piles of wood are being left to rot in many woodlands operations right across the north of this province. This is a question that has been studied time and again, both within his ministry and outside. The whole question of wood utilization is one that has preoccupied observers of the scene. There is an overwhelming consensus that a great deal more has to be done about the way the wood that is there is used.

The minister is aware of the fact that a task force has reported to his own ministry with respect to the question of wood utilization. My first question to the minister is a very straightforward one. When is this report going to be made available for public discussion?

**Hon. Mr. Pope:** Mr. Speaker, when the leader of the third party talks about a siege mentality we should address that issue, as we did in estimates over the last two weeks, because that idea was also put forward by his party's critic, the member for Nickel Belt (Mr. Laughren).

I indicated with respect to the forest management agreements that since 1981, when I became minister, we have had open houses for the people of the concerned communities. They have had the right to come in and examine the forest management agreement document itself when the 20-year and five-year plans have been produced.

We have had open houses to allow the residents of the communities and any others who might be interested to come in. We do advertising in the press of these open houses and of the plans and what they involve. We allow affected members of the communities to come in, look at the maps and at the long-term harvest and regeneration plans that are made available through the forest management agreement. Many hundreds and thousands of people across

Ontario have done just that. We have tried to open up the forest management agreement process for public scrutiny through open houses. That started in 1981.

As I said in the estimates, we are working on a number of options with respect to wood utilization, including some that involve crown dues and the system of crown dues in Ontario. As soon as the internal negotiations are completed, the background information, including that report, will be made available.

**Mr. Rae:** The minister can hold as many open houses as he wants, but if the reports which the ministry itself has contracted for and which have been presented to the ministry are not made public, all the talk about an open-door policy and all the talk from the deputy minister, Mr. Foster, about being more communicative and taking steps to be seen to be discussing things and involving the public are so much baloney, so much malarkey. There is no delivery in terms of the Bird committee report on wood utilization.

**Mr. Speaker:** Question, please.

**Mr. Rae:** I would like to ask the minister specifically why he is refusing to release the Bird report with respect to wood utilization policy. He knows the question of the use of wood is crucial to the future of this vital resource for our province. Why is he holding it up?

**Hon. Mr. Pope:** We are addressing the issues of wood utilization, regulation and our crown dues system. When that assessment, which involves ministries other than my ministry, has been completed then the document will be released. This is the same government that has urged and brought forward improved utilization practices that have led to the establishment of such things as waferboard plants throughout Ontario.

We know there is a problem. We know one of the effects of forest management agreements in the Abitibi-Price operation in Iroquois Falls has been to encourage whole-tree harvesting, which is another very important wood utilization issue. We are making progress on these issues; we are seeking ways to utilize more species and to advertise the availability of more hardwood species in Ontario. We are also trying to provide some encouragement for whole-tree harvesting under forest management agreements. As soon as we complete our review of the crown dues system and the regulatory reaction to the report, the member will see it.

**Mr. J. A. Reed:** Mr. Speaker, when the minister finally does release this report, will he have a commentary there or will he deal with the subject of the waste that has been left in the bush up until this time? According to a federal study—I think it was published in 1978—30 per cent of forest regeneration was being prevented because of the material left behind by the forest industry.

The minister is going to encourage whole-tree harvesting and so on and all those things are quite commendable, but we have incredible catch-up ground to cover here. Will the minister address that problem and have something concise to say about it when he releases this report?

**Hon. Mr. Pope:** Mr. Speaker, the federal government from time to time releases reports that in general terms do an analysis of the Canadian forestry scene. We keep hoping the cries of crisis and problems in the forest industry will lead that government to a financial commitment, as it has promised over the past two years.

We found out just recently, in response to a question posed in the House of Commons, that in spite of Mr. Roberts's announcement of \$650 million for reforestation—which he announced in August 1982 and said was available to the provinces—there has been no approval of funds from the Treasury Board to get involved in this reforestation effort. This means federal reports, which are supposed to substantiate what the Canadian Forestry Service wanted to do, did not work anyway. I dismiss them all.

Interjection.

**Mr. Speaker:** Order.

**Hon. Mr. Pope:** The reality is that we are addressing utilization, both whole-tree and species, through FMAs and through making available to other producers other species of wood that are not being properly utilized. Yes, I will be addressing all of those issues when we reply and put in place the regulations and the financial structure necessary to encourage better utilization.

2:30 p.m.

**Mr. Laughren:** Mr. Speaker, the fact remains that until the minister releases those documents the public is going to get the truth according to Pope and nothing more.

As far back as 1975, an Ontario government report, the Henderson report, recommended that the fines for wasteful cutting practices be raised. I am wondering whether those fines have been raised. In 1982-83, when charges involving



wasteful practices were laid for 27 violations under the Crown Timber Act, the ministry levied a grand total of \$18,000 in penalties, for an average of \$689 per infraction. Does the minister think \$689 per infraction is a serious deterrent to wasteful cutting practices in the forests of Ontario?

**Hon. Mr. Pope:** Mr. Speaker, in the discussion of estimates I gave the member for Nickel Belt a full list of all charges and penalties levied under the Crown Timber Act. I had filed that in the Legislature. The member has all that information. He is surely not prepared to admit that we did not release that or the survival rates to him. I understand the member is rather selective about what information he does or does not get.

In talking about the truth according to Pope, I notice the member changed the terminology in this report as compared to his initial press release. He no longer talks about silvicultural deserts or wastelands, he just talks about slums, because in estimates he was put in his place as to who was telling the truth.

#### GREAT LAKES WATER QUALITY

**Mr. Rae:** Mr. Speaker, my question is to the Minister of the Environment. It concerns the quality of water in the Great Lakes. The minister may have seen this computer printout, which was based on the report of the Great Lakes water quality Board. It establishes the number of chemicals that are now found and contained in the Great Lakes. The list goes on and on.

Given the seriousness of this problem and the fact that the quality of water in Lake Ontario, Lake Erie and the other Great Lakes is being seriously affected by the number of toxic chemicals that have been discovered, is the minister satisfied with the record of this province in regard to its investment in improving the quality of water in general and, in particular, in improving the quality of our drinking water?

**Hon. Mr. Brandt:** Mr. Speaker, I am pleased to respond to that particular question, because I think the record of this province in terms of water quality is an exemplary one. Quite frankly, and I think the honourable member is aware of this, not only is Ontario an outstanding example of responsible treatment of the sewage that ultimately ends up in the Great Lakes and is treated at a higher level and certainly with better quality treatment than elsewhere in North America, but also it has been well documented that any of the trace contaminants to which he is referring in that great long list he has there are

coming, for the most part, from the jurisdiction to the south of us.

We have constantly intervened with the state of New York on the leachate that is occurring from the state of New York, from some of the dump sites and, in particular, from the sewage treatment plant in the city of Niagara Falls. We are doing all we can with another jurisdiction to influence, to the extent that we are able, the quality of treatment that is occurring in that jurisdiction.

I have no reservations whatever about agreeing with the member that I do have some concerns about those trace contaminants. I assure him that I will do everything I can to motivate the state of New York and some of our American friends to clean up their act on that side of the river.

**Mr. Rae:** Perhaps it would help the minister's case if he were going to the United States with entirely clean hands. Can he confirm the report of the Great Lakes Water Quality Board to the International Joint Commission which said the Toronto Humber sewage treatment plant, the Hamilton sewage treatment plant and the London Greenway sewage treatment plant, all three of which are large plants, were not meeting the phosphorus effluent limits of the Great Lakes water quality agreement?

I also wonder whether he can confirm that high lead levels have been found in fish from the St. Lawrence River near the Du Pont chemical plant at Maitland, in view of the fact that the Ministry of the Environment is currently allowing Du Pont to discharge two milligrams per litre of lead, even though the ministry's objective is one half of that.

Specifically, I would like to ask the minister whether he can address those two questions as well as the question of all the runoffs of pesticides which, as he knows, come as much from Ontario as they do from states bordering the Great Lakes. How can he conceivably argue that the blame lies on one side alone and that there is nothing Ontario can do to contribute to a cleanup of the Great Lakes?

**Hon. Mr. Brandt:** I would not want to give the impression that there is nothing we can do. The leader of the third party quite properly refers to four or five sewage treatment plants in Ontario—Toronto Humber and London being two of them—that are marginally below the standards we have established to control some of the phosphate that is occurring as a result of emissions from those plants. We are working to bring those plants up to standard, and I think the

member will find in the course of the next while—I cannot give him a specific date—that we will meet the standards with all plants in Ontario.

As to the Du Pont situation, I do not mind being more specific at all. The London plant is going to be improved rather considerably as a result of certain actions that have been taken by the London city council. They have committed to my ministry that they fully intend to meet and will meet the standards that have been established.

Our standards are very high in Ontario; they are much higher than they are in other jurisdictions, where they are well below meeting the standards established by the International Joint Commission and other authorities for Great Lakes water quality.

I have some concerns, however, in respect to the question the member raised in regard to Du Pont, because I understand there have been some lead level results that have shown up in fish, both upstream and downstream from Du Pont in the Maitland area. My understanding at this point is that they still have not developed technology that will control the lead emissions discharged into the river from that plant and that would allow them to meet the standards we have set.

I want to assure the member that at the moment there are really two options. One is to continue to work with the plant and to reduce the lead emissions from that plant. The other option is to close the plant completely. I do not believe, unless the member has no concern whatever about jobs, that the second option is one we should take into any kind of consideration at this point because, quite frankly, I do not want to lose the jobs at Maitland and at the Du Pont plant if it is not necessary to do so.

I want to assure him we are working with Du Pont to reduce those lead emissions so they do not become a hazard. They are not at hazardous levels now and we intend to lower them to the point where they are completely safe.

**Mr. Bradley:** Mr. Speaker, as to the dioxins the minister discussed last week in his statement to the House, he indicated they were primarily of those types generated through combustion, I believe it is. Is it possible the source of those is in Ontario?

For instance, has he investigated the possibility that the dioxins in St. Catharines are perhaps a result of the burning at the solid waste reduction unit in Hamilton, the garbage-burning plant, and perhaps the ones in Mississauga? Has he investigated the Lakeview coal-fired generat-

ing station as a possible source of dioxin coming down from the air to the water?

**Hon. Mr. Brandt:** Mr. Speaker, the only direct connection we have found with respect to the dioxin question is some of the leachate occurring in the area of Niagara Falls on the American side, which is coming from some of the landfill sites that are contaminated with some levels of dioxin. We have been able to monitor the fact that there are dioxin emissions occurring on that side of the river, not on our side.

Frankly, I cannot answer the member's question, because I do not know whether the dioxin emissions in the atmosphere are in any way affecting the dioxin that was found in raw water only, as he knows, and not in drinking water. I can tell the member that dioxin does not travel easily in water unless it is attached to particles of sand or some other contaminant. But in and by itself, dioxin does not travel in water, and I believe the former Minister of the Environment indicated that in replying to an earlier question in this House as well.

2:40 p.m.

We are not certain of where the actual dioxin ended up in the Mississauga area or St. Catharines, but it is a reasonably well-founded guess at this point on the part of the scientists in my ministry that in all probability, failing other information which neither I nor my ministry has at the moment, it has leached from the American side.

**Mr. Kennedy:** Mr. Speaker, with respect to the detection of a slight amount of dioxin at the Lakeview plant, it is a puzzle why it was detected in St. Catharines and Lakeview, yet stations in between do not have any measurements. As a result of this, does the minister intend to intensify his studies to see why, as he says, the migration does not seem to be common right across the lake? Does the minister have any comment on that?

**Hon. Mr. Brandt:** Mr. Speaker, we intend to continue to monitor because any incidence of dioxin at whatever level is of great concern to the ministry. I want to give the member for Mississauga South this assurance because it is a question that comes up frequently and one that I know concerns a great number of citizens.

Let me reiterate that it was found in raw water and not in drinking water, so the process of treatment we have in Ontario seems to be adequate based on our present technology to treat any raw water before it is used for drinking



water purposes in such a way that the water is pure. We have found no trace levels of dioxin whatever in any drinking water.

The levels at which we are testing now in Ontario are so sophisticated and at such a high level in terms of the very trace contaminants we were able to determine and find out about that a few years ago we would not have even known there was any dioxin at all in the raw water. We are looking at very small levels in the amounts of parts per quadrillion, which is a very small particle, as I explained a few days ago when I made a statement in the House.

I want to assure the member, and the members opposite as well, that we will continue to monitor and test for dioxin in both raw water and drinking water. We will also attempt to determine where the sources are from which that dioxin is emanating. At this point, the only evidence we have is that any dioxin is coming from the Niagara Falls area of New York state.

**Mr. Rae:** One thing that is disturbingly new—I am sure the minister is aware of it because it is contained in the IJC report and also in some more recent scientific reports—is the dramatic increase in the incidence of cancers among the fish population in the lake. The Department of Fisheries and Oceans has shown that walleye, muskellunge and northern pike are affected by some skin diseases, but it also shows that coarse fish such as sheephead, white suckers, brown bullheads and the carp goldfish hybrid are affected by actual cancers and that they are on the increase and are a cause of serious concern.

I have two questions to the minister following from this particular set of facts which is so disturbing. First, is he concerned about the volume of fish being consumed by certain people who rely very heavily on that resource for their food, and does the fact that these fish have been described as unfit for consumption by rats not cause him some concern with respect to the volume being consumed by some people? I am sure he is aware of that situation.

Second, if the record of the government is so good with respect to drinking water and the treatment of drinking water, can the minister explain why a Mr. Rick Findlay, a hazardous waste expert for Environment Canada who completed a study of what was going on in Cincinnati and New Orleans, which also have water that has to be treated, stated that in his opinion those two American authorities are years ahead of anything that is being done in Canada with respect to the treatment of drinking water?

**Hon. Mr. Brandt:** Let me take the last question first. The reason some comment was made about the city of Cincinnati is that it has in place at the moment a carbon filtration process which is exactly the same as the experiment we are conducting in the great riding of Niagara Falls, in the city of Niagara Falls, where we are attempting at the moment to determine how effective that treatment is. The case is still out among many of the authorities. The member has heard from one spokesman, but I can assure him there are other spokesmen who are not as convinced the carbon filtration process is required.

The second question, and I would like to answer both of them, was whether I am concerned about the volume of fish that is eaten from certain lakes. My ministry has had a consistent, continuing concern about certain contaminated fish. As the member is probably aware, we print a book annually indicating what fish are safe to eat, in what lakes and at what volumes. Yes, we do have a concern about it and we try to inform the public if there is even a slight concern about it that should be brought to the attention of the public.

**Mr. Elston:** Mr. Speaker, I have a question of the Minister of the Environment. Again, it concerns the question of drinking water and the quality of that water in the treatment process.

As he is probably aware, the International Joint Commission has received a report from the Great Lakes Water Quality Board with respect to the treatment facilities along the Great Lakes. Of approximately 300 treatment facilities, there are about 179, I understand, that are violating the emission levels.

Can the minister tell us which of those violators are located in Ontario? What does he actually intend to do to ensure that the water quality is not degraded by the emissions of those plants?

**Hon. Mr. Brandt:** Mr. Speaker, I am constantly amazed by questions that are raised in regard to the quality of the drinking water in Ontario. Each and every time the question comes up there is more than sufficient evidence to indicate the water quality we have in this province is beyond compare with any jurisdiction anywhere in the world.

We very recently had an independent study in Metropolitan Toronto. I want to assure the member that I drink the water without any fear, without any reservation, without any concern.

Interjections.



**Mr. Speaker:** Never mind the interjections, please.

**An hon. member:** What about the additives?

**Hon. Mr. Brandt:** With no additives, I might add.

Recently, Metropolitan Toronto engaged in a independent study to compare the drinking water in this area with that very famous bottled water that is so much more expensive. We know the results. Those tests indicated that our tap water in this area was far more pure, far more healthy, and it beat the bottled water in every way. That is not to suggest the bottled water is unsafe; it simply means the water we are drinking out of the tap is even more pure.

I will look into the second part of the question in regard to the plants that may have some difficulty. I do not know of any at the moment but I will certainly investigate that and I will be happy to get back to the member on that question.

**Mr. Elston:** With respect to the treatment of drinking water for the elimination of dioxins and furans, I know part of the hope of his ministry is that these chemicals will attach to various particles in the water and then settle out, as it were. The Environment Canada study indicated these particles are actually dissolved in water and can go through the process rather than settling out.

I understand the Cincinnati project is more far-reaching, with far wider parameters being studied than the minister's program that is in place now in the Niagara region. Can he assure us categorically that the steps he is taking will give us the high quality of water we require in Ontario?

**Hon. Mr. Brandt:** I can give the member that assurance. I also want to indicate that at the level we are testing at the moment we are able to detect at levels of one part per quadrillion, as the member knows. So if there are dissolved dioxins in water, in whatever form, we are able to test at such minute levels that we would be able to get the results of those tests and we would then have some indication that what the federal authorities are saying is correct.

I want the member to know, however, that if the carbon filtration experimentation that we are carrying out in the city of Niagara Falls proves to be an effective way of removing some additional trace levels, and I emphasize the words "trace levels," of contamination, we are quite prepared to move towards a program that

would introduce that kind of technology in our water treatment systems in Ontario.

Quite obviously we cannot do it all at once because it is an extremely costly program, but if it proves to be of assistance in purifying the water to an even higher level, then we are quite prepared to undertake that kind of program in the years ahead, certainly not overnight.

2:50 p.m.

## FOREST RESEARCH

**Mr. Laughren:** Mr. Speaker, if the Minister of Natural Resources continues his scurrying back to his seat, I will put a question to him concerning the ministry's forestry research station at Maple, just north of Toronto.

I wonder if the minister recalls about a year ago, when he was at Laurentian University, saying "the Maple institute has a long track record of leadership in forestry research and that our researchers were among the first in the world to begin looking at the best way of managing forest resources." In March of this year he said that "work in forest management regeneration and genetic improvement has put Canada in the vanguard of progress in silviculture."

A month after that he said, "You should be looking to researchers at the Ontario Tree Improvement and Forest Biomass Institute as part of your research arm."

My question to the minister is, given those laudatory comments about the Maple research institute, why has he since that time decided to transfer some of the work being done at Maple to the private sector and to the universities in the province? Does he not understand there is a world-class scheme at work at Maple, that he is holding a sword over their heads and that many of those scientists are coveted by other jurisdictions? It would be a sad thing if we lost them to some other jurisdiction because of insecurity created by the minister.

**Hon. Mr. Pope:** Mr. Speaker, there is no need for insecurity and there is no need for feeling that the work of these particularly competent and dedicated people will not be required in even greater proportion than it has been in the past.

As we discussed in estimates, we believe it is time the federal and provincial governments, the universities and the private sector get involved in a co-ordinated and common fashion in research. I will use the words of the member for Lake Nipigon (Mr. Stokes) at the end of our discussion in estimates, "In other words, you are building

upon the base that you have." That is exactly what we are trying to do.

**Mr. Laughren:** That is very interesting. I really wonder what is going on in that ministry when, I believe, just a week ago today the minister's colleague the Minister of Northern Affairs (Mr. Bernier) said, talking about research in the universities:

"If we take the various universities, my colleague the Minister of Natural Resources has already made a public statement that much of their research will now move out of their ministry and be farmed out to those universities in the private sector. This has caused a stir within that ministry. There is no question about it. There is a feeling that it should remain within the ministry. I am one of those who supports that research going out to those institutions as they are doing."

Who is making policy, the minister, the deputy minister who made the original announcement that they were decimating the research team, or the Minister of Northern Affairs who is now saying it is already happening and it is moving out of Maple into other institutions? What is it the Minister of Northern Affairs knows that we do not know, and perhaps the Minister of Natural Resources does not know either?

**Hon. Mr. Pope:** The member for Kenora, the Minister of Northern Affairs, is absolutely correct as usual. Three months ago we announced in a press release a resource research program involving every university in the province and began to put out research grants to those institutions. That was in addition to our research budget. So, as usual, the Minister of Northern Affairs is absolutely correct and current on what is going on in the Ministry of Natural Resources.

The member for Nickel Belt knows that in many jurisdictions in North America and Europe the private sector, the federal and state governments and the universities are forming joint research and technology transfer teams on a co-ordinated basis, and that the decisions on where the initiatives or new research will be undertaken are made by all elements of the research community.

The priorities are established by them; and the Maple facility will be an important part, the universities throughout the province will be an important part and so will the private sector. The net effect will be more money than ever before going into forestry research in the province.

#### PARRY SOUND RAFTING TOUR LTD.

**Mr. Haggerty:** Mr. Speaker, I would like to direct a question to the Minister of Industry and Trade, whose ministry was responsible for administering the federal-provincial northern Ontario rural development agreement grant to Parry Sound Rafting Tour Ltd. in the amount of \$105,000.

Is the minister aware the owner of this company has disappeared owing rebates to customers who travelled miles for the whitewater rafting only to find the company no longer in business? Does the ministry not feel some responsibility to rebate the money owing to at least compensate their monetary loss, as this is both a federal and provincial project?

**Hon. F. S. Miller:** Mr. Speaker, to answer the first part; no, I was not aware. To answer the second part; it would not be our practice to enter into any guarantee of normal commercial business relationships with any company to which we advanced money.

**Mr. Haggerty:** Will the minister also explain how this project received approval to establish whitewater rafting on the Magnetawan River with the Ministry of Natural Resources when that ministry refused to regulate the water levels at Ahmic Lake to accommodate the rafting tours?

**Hon. F. S. Miller:** I would have to check with the Northern Ontario Development Corp. board.

#### SPECIAL SERVICES AT HOME PROGRAM

**Mr. R. F. Johnston:** Mr. Speaker, my question is for the Minister of Community and Social Services. On November 2 a young man named Tom Wagner came into my office. He is a 22-year-old muscular dystrophy victim. He came in his electric wheelchair and he has a ventilator that works through his throat.

He came to me because he had been trying to get some assistance through the government for attendant care so that he can go to university. His parents are now paying approximately \$16,000 a year for an attendant to go with him to York University. The young man is getting As in the three courses he is in. He is a very determined young person with a very disabling affliction.

He applied as early as May 11 through the orders in council route to get assistance so that he can have at least the attendant paid for. Can the minister tell me what progress there has been in that? I raise it today reluctantly, because I raised it with the acting minister on November 3 and still the family has not had final word as to

whether or not money will be made available. Can the minister tell us what is happening with Tom's case and what he is doing about the orders in council process, which, as far as I know, has approved only nine applications in the three years since it was established?

**Hon. Mr. Drea:** Mr. Speaker, I will have to report back on the individual case. Second, it has not been established for three years.

**Mr. Rae:** What year was it, Frank?

**Mr. Speaker:** Never mind the interjections, please.

**Hon. Mr. Drea:** The man says there have been nine cases since it was established three years ago. I am telling him it was not established three years ago.

**Some hon. members:** How long?

**Hon. Mr. Drea:** Mr. Speaker, the purpose of—

**An hon. member:** Do you know?

**Mr. Speaker:** Never mind the interjections, please.

**Hon. Mr. Drea:** Oh yes, I started them.

The purpose of the orders in council has been to deal with extraordinary cases that did not fall within the ambit of the program, which provides for supportive living services. The nine orders in council that have been granted represent only a relatively small portion of the numbers that have come across my desk. The needs of most of those that have come across my desk were fulfilled by local programs in their communities that, for one reason or another, they did not know about. In the particular case the member has mentioned, I will report back.

I must say that because of a new sharing arrangement with the federal government we are in the process of expanding our supportive living arrangements, and on that basis we are going to be relatively restrictive in the granting of an order in council because the expanded living program should be able to meet most of the needs of those who are now applying for orders in council.

**Mr. R. F. Johnston:** I do not know how the minister could restrict it much more. According to a letter from A. F. Daniels, assistant deputy minister, to Marilyn Ginsberg, since 1980 the ministry has approved eight requests for attendant care. That was in September and, as far as I know, there has been one since that.

I do not know how he could be any more restrictive. He knows there will be gaps in whatever program he puts forward and there

will be a need to try to respond to particular needs like those of this courageous young man.

**3 p.m.**

The eighth annual report of the Ontario Advisory Council on the Physically Handicapped this year came through with a very strong recommendation that the proposed legislation with regard to home support services include a mechanism to allow for direct payment to individuals in need of services in order to permit them to design and control a service program peculiar to their individual circumstances.

That is precisely what Tom Wagner needs at the moment—a program designed for his needs to enable him to go to York University. His parents are willing to pick up the other \$10,000 a year that it is costing them to help Tom at this point. This man really needs the government's assistance now. Surely an individualized program is what we need, not just the assistance of existing programs in the community.

**Hon. Mr. Drea:** Mr. Speaker, I said I would look into the matter. I would remind the honourable member of what I spoke about a couple of minutes ago. From time to time there are particular cases that cannot be met even by the expanding programs I am in the course of bringing in.

Where they do qualify and where no other type of program will be of assistance, we will continue to deal with them by orders in council. I would suggest to the House that to rely upon an order in council rather than have an expanded program would be detrimental to most of the disabled in Ontario. So let us keep the matter in perspective.

## ORGANIZED CRIME

**Mr. Nixon:** Mr. Speaker, in the absence of the Solicitor General (Mr. G. W. Taylor), I would like to ask the Attorney General a question about organized crime.

With the finding of the body of Domenic Racco in a field west of Brampton over the weekend, apparently connected with the murder previously of Paul Volpe, according to the police, can the Attorney General indicate something more than his recent statement accepting the fact that we do have organized crime in Toronto and Ontario and indicate what steps he and his colleagues are taking to try to bring some moderate controls over what appears to be a completely runaway situation?

**Hon. Mr. McMurtry:** Mr. Speaker, the honourable member refers to a recent statement.



The first statement I made about the existence of organized crime in Ontario would have been about eight years ago. We do have a problem and we have never suggested otherwise.

As I have also said over the years as Attorney General—and as Solicitor General for three and a half years—I think the problem has been relatively well managed by the law enforcement agencies in Ontario. Our law enforcement agencies are doing very well indeed, particularly when we compare the problems in our jurisdiction with those in other comparable jurisdictions.

Over the years I have announced a number of initiatives in both the capacities to which I referred. This government has been involved in very extensive funding of joint-force operations and other initiatives which I think have waged an effective battle against organized crime in this province.

I have to take issue very strongly with the member for Brant-Oxford-Norfolk when he refers to a runaway situation. When one looks at the number of organized crime figures who have been successfully prosecuted in Ontario in recent years, one would appreciate it is anything but a runaway situation.

**Mr. Nixon:** I would like to quote briefly one or two excerpts from today's story in the *Globe and Mail*. It says: "Halton police are receiving assistance from the Metropolitan Toronto Police intelligence squad, which has had Mr. Racco under constant surveillance since his release from penitentiary. Provincial police are also assisting."

If he is under constant surveillance, how do they knock him off, take him out into a field and dump him? How about this quote: "It's got to be war . . . five guys shot in three weeks," said a Toronto criminal lawyer, who has represented several reputed organized crime figures in the past."

There have been five murders in three weeks associated with organized crime. We are not talking about a run-of-the-mill, striptease murder downtown or in the west end. There were also five deaths from overdoses of heroin in a one-month period compared with five deaths in a period of a whole year previously. It seems to me the Attorney General ought to realize the old answers that have stood him in good stead over the years since he has accepted the presence of organized crime are not good enough when we find these murders are becoming almost weekly occurrences.

**Mr. Speaker:** Question, please.

**Mr. Nixon:** While we are concerned about the murders, we are even more concerned about the level of crime and criminal activity that must be going on in this jurisdiction over which these people are fighting and murdering.

**Hon. Mr. McMurtry:** Of course we are all very concerned. When one looks at the increase in budgets and the number of initiatives that have been taken in recent years, we are not talking about the old answers. The law enforcement agencies are constantly looking for new answers and are discovering quite a few answers.

I want to make it very clear we have not, as the member has stated, accepted the presence of organized crime in this province. Indeed, a very major part of law enforcement resources in this province are dedicated to the fight against organized crime. I do not want to suggest for a moment there is any degree of complacency in the ranks of law enforcement agencies or in my crown law officers who prosecute these cases on a frequent basis.

We treat this matter very seriously. We have for some time and we will continue to do so. I repeat what I said a moment ago. Compared to other jurisdictions, our battle has been waged much more effectively than in any other jurisdiction I can think of.

**Mr. Nixon:** That is a speech about the quality of education. These people are being killed.

**Mr. Speaker:** Order.

**Hon. Mr. McMurtry:** That does not mean to indicate for one moment we are complacent about it. I simply say this matter will continue to receive a high priority.

**Mr. Nixon:** Baloney.

**Hon. Mr. McMurtry:** People like the member with all the wonderful fountain of wisdom he believes himself to possess will continue to second-guess or attempt to second-guess the police forces in this province. I think this is a very unwise course. The member is very fond of standing up at every opportunity and deprecating the contribution of our police forces in this area. I do not think he is doing them a service and I do not think he is doing much for his own credibility.

Interjections.

**Mr. Speaker:** Order.

**Mr. Rae:** Mr. Speaker, I would like to ask the Attorney General whether he is aware that public information as to the extent of the influence of organized crime in this province really came to light as the result of a special

inquiry of the United States Senate in 1963, at which time Mr. Volpe's name was first made public in connection with the Magaddino family in Buffalo.

Given that this information did become public as a result of a public inquiry in the United States and given one other piece of information that public inquiries in the United States have consistently shown, that is, that organized crime is increasingly using professional fronts, previously respectable financial institutions and other vehicles for the laundering of their funds, I would specifically like to ask the Attorney General whether he does not think it is finally time, after what was seen in the Waisberg report and elsewhere, for a royal commission into organized crime in Ontario, how it works, what its power structure is, where it gets its money from, where it uses its money and how it abuses and strikes fear into people.

Does he not think it is finally time we had that kind of royal commission of inquiry in this province rather than simply relying exclusively on the individual prosecutions which, I may say with respect, have not had the results the people of Ontario would like to see with respect to organized crime?

**Hon. Mr. McMurtry:** There have been such public inquiries in Ontario. The position I, and I am sure the Solicitor General, adopt at present and have adopted is, if the law enforcement agencies of this province are of the view and strongly recommend that such public inquiries would be in the public interest and in the interest of law enforcement we would certainly receive any such advice or give any such advice great weight.

The truth is, however, the public inquiries that have taken place, not only in the United States but in other provinces, and most notably in Quebec, have been dismal failures when it comes to collecting any actual information upon which charges can be laid. The experience has been that such public inquiries do have the potential of being very seriously disruptive of ongoing criminal investigations.

**3:10 p.m.**

First, police informants tend to disappear and the whole process of effective law enforcement is usually placed in abeyance. While these public inquiries obviously do create an understandable degree of public interest, on balance they have been a dismal failure when it comes to producing any evidence upon which successful prosecutions can be launched.

## PETITIONS

### INFLATION RESTRAINT LEGISLATION

**Mr. Yakabuski:** Mr. Speaker, I have a petition to the Honourable Lieutenant Governor and the Legislative Assembly of Ontario which reads as follows:

"We, the undersigned teachers, beg leave to petition the parliament of Ontario as follows:

"Whereas we oppose the extension of the Inflation Restraint Act because it is inequitable in its application to the citizens of Ontario and restricts our basic free collective bargaining rights; and

"Whereas we believe that an extension of the act or measures which will have a similar effect would violate the spirit of the Canadian Charter of Rights and Freedoms;

"We petition the Ontario Legislature to restore our free collective bargaining rights forthwith under Bill 100, the School Boards and Teachers Collective Negotiations Act."

The petition is signed by Richard Savage of RR3, Carp, Ontario.

### NURSING HOME LAYOFFS

**Mr. R. F. Johnston:** Mr. Speaker, I have approximately 1,400 signatures on the Ballycliffe Lodge Nursing Home petition and 630 from Kennedy Lodge Nursing Home. The wording of the petition is as follows:

"To the Lieutenant Governor and the Legislative Assembly of Ontario:

"Thirty-two workers at Ballycliffe Lodge and 92 workers at Kennedy Lodge Nursing Home will lose their jobs because the employer decided to sacrifice long-term employees by contracting out the work through a placement agency.

"This multinational agency, Medox, provides staff who must work for lower wages and fewer benefits, all for the sake of increasing the profits made by this nursing home. The quality of patient care can only suffer under these circumstances.

"We petition as follows:

"1. That the government of Ontario amend the Ontario Labour Relations Act to stop the practice of contracting out.

"2. That the government of Ontario intervene on behalf of these 32 and 92 employees to protect the employment status of these workers."

## REPORT

### STANDING COMMITTEE ON SOCIAL DEVELOPMENT

Mr. Robinson from the standing committee

on social development presented a report and moved its adoption.

**Mr. Speaker:** Mr. Robinson has moved the adoption of the committee's report. Does the member wish to make a brief statement?

**Mr. Robinson:** Mr. Speaker, it is my privilege this afternoon on behalf of the standing committee on social development to move the second report on family violence, which is entitled Child Abuse.

Twenty-four years ago the General Assembly of the United Nations proclaimed the Declaration of the Rights of the Child. Principle 2 states: "The child shall enjoy special protection and shall be given opportunities and facilities by law and by other means to enable him to develop physically, mentally, morally, spiritually and socially in a healthy and normal manner and in conditions of freedom and dignity. In the enactment of laws for this purpose, the best interests of the child shall be the paramount consideration."

Mr. Speaker, the committee considers child abuse to be a violation of the child's right to enjoy special protection. As pointed out in our report, society's response to this violation must be guided by the principle made paramount in the UN declaration, namely, the best interests of the child.

This principle underlies our 44 recommendations. Child abuse is a particularly repugnant act, victimizing as it does those who are in an especially vulnerable position. It assumes many forms, ranging from assault and neglect to emotional and sexual abuse.

Years ago sexual abuse was not an issue, not because it did not exist but because it simply was not discussed. The committee was shocked to hear estimates that one girl in four and one boy in 10 will be sexually molested by an adult at some point in his or her childhood.

As chairman of the committee, I would be remiss if I did not thank the members of the committee for the nonpartisan nature of our proceedings and for the work they put into the hearings and into the report.

We consider it important that, like our first report on wife battering, this report be published both in English and in French.

The committee was pleased recently to learn from the Minister responsible for Women's Issues (Mr. Welch) and the Provincial Secretary for Justice (Mr. Walker) that the development of more effective measures to deal with the problem of family violence is a matter of highest priority for the government of Ontario.

We are encouraged by the initiatives undertaken by the government in response to our report on wife battering. We look forward to the same kind of response after the release of this report.

Children are our most precious resource and must be allowed to grow free of fear and abuse.

On motion by Mr. Robinson, the debate was adjourned.

**3:20 p.m.**

## TABLETING OF REPORTS

**Mr. Breagh:** Mr. Speaker, on a point of privilege: It is a fairly common practice in this Legislature that before the tabling of a report members on all sides seem to feel quite free to make statements, do press releases and whatever. That, of course, is not the practice in other parliaments. Without getting as severe as, for example, the British House of Commons, where they threaten to expel people for releasing reports prematurely, I do feel we are getting to a point where it would be wise for you to take under consideration and perhaps refer to the procedural affairs committee the matter of the tabling of reports.

Just to go briefly over some of the problems I would see with it, one is that someone leaked this report before the agreed-upon technique was used this morning when the committee released its report and as a result members on all sides were faced with questions, quite properly, from their constituents about the contents of a report they had not yet seen. For example, even with the tabling of the report this afternoon, the mechanics of it make it likely that unless one wants to aggressively pursue it, it will be tomorrow before these things will find their way back to our offices.

Mr. Speaker, I do think it would be worth your while to look at the precedents and perhaps address yourself to the question of the tabling of reports; when they may be tabled and whether the members' privileges are being aggrieved in some way by the current practices of this House.

**Mr. Nixon:** Mr. Speaker, I want to support the honourable member in his comments. I also believe it would be very worthwhile if you, with whatever advice you would care to take, would undertake such a review, because certainly the contents of this report were brought to our attention, as members of the Legislature, before the report was tabled here today.

**Mr. Robinson:** Mr. Speaker, very briefly on



the matter of privilege before you, I simply wish to inform you and the House that there were only three copies of this report in circulation on Friday. There was my copy, a copy to the member for Scarborough West (Mr. R. F. Johnston) and a copy to the member for Hamilton Centre (Ms. Copps). To the best of my knowledge, those were the only copies in circulation.

I know where my copy is. I believe the member for Scarborough West knows where his copy is. Where the third copy is, someone else will have to answer.

**Mr. Nixon:** Mr. Speaker, I ask you to require the honourable member to either clarify his statement or make some suitable further indication. Is he indicating to this House that, in his view, the copy owned by the member for Hamilton Centre was released to the press? If he believes it is, he can say, "Yes." Then that member can defend herself.

**Mr. Robinson:** Yes, I believe it is.

**Mr. Speaker:** The matter that has been raised by the member for Oshawa is indeed worthy of concern. I understand the procedures, standing orders and rules of this House are under consideration now by the standing committee on procedural affairs. I would hope this would be one of the matters to which the committee would give very serious consideration and make very serious recommendations for its implementation.

## ORDERS OF THE DAY

House in committee of the whole.

### PUBLIC SECTOR PRICES AND COMPENSATION REVIEW ACT

(continued)

Resuming the adjourned consideration of Bill 111, An Act to provide for the Review of Prices and Compensation in the Public Sector and for an orderly Transition to the Resumption of full Collective Bargaining.

**Mr. Chairman:** The committee will recall that when last we sat on Bill 111, we had postponed section 5. There was an amendment by the member for Rainy River (Mr. T. P. Reid).

**Mr. McClellan:** Sorry; where are we? We cannot hear a word you are saying.

**Mr. Chairman:** For the member's benefit, I was saying that when last the committee dealt with Bill 111 we had stood down an amendment by the member for Rainy River to section 5 of the bill. I am asking whether it is the pleasure of

the committee that we return to section 5 at this time to deal with that amendment.

To help the members, I will read the amendment.

"Mr. T. P. Reid moves that section 5 of the bill be amended by adding thereto the following subsection:

"(3) This part does not apply to a change in the wages provided for in a group compensation plan where the change is required to be made in the restraint period by the regulations pursuant to the Employment Standards Act."

I wonder whether the minister may want to make a comment on section 5 at this point.

**Hon. Mr. Grossman:** Mr. Chairman, I would like this stood down until we do the other sections; then we will come back to it, perhaps just before we finish.

**Mr. Chairman:** Sure. We had completed section 11; so we will be moving to section 12.

On section 12:

**Mr. Swart:** Mr. Chairman, you will recall that I moved one amendment to section 12 in our last sitting, which you ruled out of order because it dealt with a matter of compensation. We challenged the chair and your ruling was upheld. I have an amendment to move to section 12 again, which I think you will find in order. I will move it at this time, if I may.

I move that there be new sections 12 and 13 as follows:

"12(1) There is hereby established a commission to be known as the Fair Prices Commission.

"(2) The commission shall consist of not fewer than three members of the Inflation Restraint Board.

"(3) The Lieutenant Governor in Council shall designate one of the members as chairman of the commission and one or more vice-chairmen from among the members of the board, and the chairman shall have responsibility for assigning among the members the matters to be resolved by the board.

"(4) The chairman may in writing authorize one or more members of the commission to determine any matter to be determined by the commission and for that purpose the member or members may exercise all the jurisdiction and powers of the commission and the decision of the member or members on the matter shall be a decision of the commission; and where more than one member is assigned to determine any matter, the decision of the majority of such members is a decision of the commission.

"(5) A member of the commission may be

removed from office by the Lieutenant Governor in Council before the expiration of his term, and the Lieutenant Governor in Council may appoint any person in the member's stead for the remainder of the term.

"13(1) The commission may make bylaws regulating its proceedings and generally for the conduct and management of its affairs.

"(2) In exercising its powers under this act the commission shall, where appropriate, make use of the services and facilities of any ministry, board, commission or agency of the government of Ontario.

"(3) The commission may, subject to the approval of Management Board of Cabinet, make use of the services of its staff"—

**Mr. Chairman:** Order. If I may ask the member, would he not agree that perhaps he is embodying two separate motions, one of which is to section 12? Perhaps we could deal with that first and then we will come to the amendment to section 13 in its time.

**Mr. Swart:** Okay. That is fine.

**Mr. Chairman:** Mr. Swart moves an amendment to subsection 12(1).

**Mr. Swart:** Mr. Chairman, the purpose of this amendment is rather clear. It is combined with two or three other amendments which have already been submitted. My comments on this amendment not only will deal with this amendment but also will cover the others rather than trying to space them out and commenting at length on any one.

The purpose of this amendment and of those subsequent amendments is clear. It is to provide some ad hoc control over prices and to provide the opportunity to stop or roll back unjustified price increases. It is essential if the stated purpose of this bill is to be carried out.

I suggest to the House that the title on Bill 111 is quite misleading; it states that it is "to provide for the review of prices and compensation in the public sector and for an orderly transition to the resumption of full collective bargaining." Right on its very first page it says it is an act to provide for the review of prices and compensation in the public sector.

3:30 p.m.

Prices and compensation are put in the same category, but the simple fact is that this bill provides no control whatsoever over prices. It provides no price restraint whatsoever. Compensation is restrained, particularly in the public sector, by the limits in the transfer payments to municipalities and other bodies which are in

the public sector; so the bill does limit compensation but it in no way limits or inhibits price increases, and therefore the title of the bill is very misleading.

The bill is very different from Bill 179, which we passed last fall. The bottom line of Bill 111 on prices is provided by section 14, which says, "(1) The minister shall review a report of the board made under clause 13(3)(c)." The board will examine prices referred to them that they feel are excessive—and those are just administered prices, of course—and report to the minister.

The minister will review a report of the board, and "(2) Where the minister determines that a price increase does not conform with the criteria, he shall (a) notify the agency or person in question; and (b) report to the Lieutenant Governor in Council on the nature of the failure to conform."

That is the end of it. He reports; there is no provision in this bill, or for that matter anywhere in any legislation, for the Lieutenant Governor in Council to do anything about it.

Under section 29 of Bill 179, if the government wanted to use it, it said

"Notwithstanding any other act, the Lieutenant Governor in Council on the recommendation of the minister may by order (a) disallow a price increase in whole or in part; (b) where appropriate, substitute a price increase for the price increase disallowed under clause (a); (c) delay the effective date of a price increase . . ." and so on.

There was power there to do something about it. Under this section there is no power to do anything about it. The prices section of this bill is absolutely meaningless. I hope the minister will comment on this when he gets up. He may say there is power under the Ontario Energy Board Act for the cabinet to review and adjust; but if he looks at the Ontario Energy Board Act closely, he will see that the Lieutenant Governor in Council may review it if there is an application made but it does not provide a review on its own volition. In fact, there are no teeth whatsoever in this bill with regard to prices. It is nothing more than window dressing. I hope the minister will deal with that when he gets up. It is absolute window dressing.

A report is made to the Lieutenant Governor in Council and there it lies; there is no authority for anybody to do anything about it. We in this party feel that if the government is going to control prices and if it is going to have a section of a bill that takes up a page and a half or two



pages, it should have some meaning to it and not just be put there for window dressing, as apparently it is put in the title. The public will think here is a government doing something about prices as well as wages in the public sector, when there is not even the possibility of it doing anything about prices under this bill.

I want to remind the House that the main reason for the introduction of Bill 179 and Bill 111 was given as providing restraint in this province. That restraint was interpreted as a method of limiting inflation. The purpose of this bill and of the previous bill was to limit inflation. I could quote the minister who introduced the bill last year. I could quote him now straight from Hansard, but I will not take the time to do that.

The purpose of the bill is to restrain inflation, yet everyone knows the word "inflation" has now become a pseudonym for the rise of prices, goods and services; that is what we mean. The consumer price index has a rise in the price of goods and services, and yet it does not deal with that whatsoever.

I should also remind the minister and this House of the statement of Mr. Jack Biddell, the person who is still in charge of the Inflation Restraint Board. He said, in his article in the chartered accountants' magazine, what we should be doing is restraining prices.

This was read here many times before. He said the Anti-Inflation Board was mistaken in putting the emphasis on controlling wages or controlling profits; what it should have done was control prices. Here we have a bill which reputedly is to control inflation and there is no control whatsoever that can be exercised, even if the government wanted to exercise it, over the prices we have in this province.

We think it is necessary to have a meaningful prices section in this bill. The amendments we have before this House would establish a fair prices commission with power to intervene, to check whether a price increase is justified and to order it held or rolled back if found not to be justified.

I want to say to those on the other side of the House, who think the marketplace solves all the problems and it does not need intervention in any way, that is simply not the case. If one looks at such things as the price of cereals and what the farmer gets for his grain, one realizes there is need for government intervention in a relatively large number of areas to give protection to the consumer if we are serious about doing anything

about inflation and about the increasing price of goods and services in our society.

We look at the tremendous increase in bank profits. I realize that does not come directly under the jurisdiction of this province, although there are a great many major steps the government can take with regard to assisting farmers and preventing the banks from foreclosing in the arbitrary manner they do. The banks this year are going to have the highest profits in their history while many farmers are in a rather desperate situation. That is the price of operating. Yet we have a government that totally keeps its hands off in that regard.

Without carrying on this debate any longer, we in this party feel if there is going to be any fairness and effectiveness in inflation control, we need a section in this bill which gives the government the power; whether it wishes to use it or not, the very fact it is there might have a deterrent effect on those who would raise prices without justification.

If there is to be fairness and effectiveness, it must have a meaningful section on prices and not just the window dressing or the smoke and mirrors that is in this bill, which has absolutely no meaning whatsoever.

**Hon. Mr. Grossman:** Mr. Chairman, as we indicated earlier, the decision of the government this year was to go into a transition back to a situation where neither wages nor prices were subject to any control whatsoever. We expect the year in which there would be no controls or mechanisms whatsoever would be next year.

**3:40 p.m.**

Therefore this bill, and let us make no mistake about it, is intended to have a circumstance where wages and public sector prices are subject to the measurement of some sort of standard against which all those can be measured and a measurement in fact occurring; that is, people there to monitor what has happened on both the wage and price side. I think it is only sensible when one is moving out of regulation in these areas to treat wages and prices in relatively the same circumstance.

For those who believe we should not return to a circumstance where prices are largely determined as they were before Bill 179 and Bill 111, then one might support the amendments proposed by the member; but for those of us who believe the traditional system has worked relatively well on the collective bargaining side in terms of wages and in terms of all the other mechanisms, the market and whatever in terms



of prices, then obviously we believe we must begin to take major steps out of control programs.

These comments will apply to several of the amendments the honourable member is making. The prices provisions largely mirror the wages provisions. I think that is the fair and equitable thing to do.

There is not much more I can add to that. It is the approach we think is appropriate coming out of a control period. The two portions of the legislation mirror each other in terms of monitoring developments both on the wage and price side and in allowing the government to observe that process to see if everyone is as committed to continuation of restraint as they have indicated they are.

**Mr. Swart:** Would the minister then agree that this is only monitoring administered prices, that there is no power given to anybody here, Inflation Restraint Board or government, to roll back any prices or to hold any prices? There is no new legislation whatsoever. What is the meaning of this section other than monitoring, which is being done in any event on the administered prices?

**Hon. Mr. Grossman:** That is right. You have understood it perfectly. It is monitoring.

**Mr. Chairman:** Mr. Swart has moved a new section 12.

All those in favour will please say "aye."

All those opposed will please say "nay."

In my opinion the nays have it.

Vote stacked.

**Mr. Wrye:** I move that section 13 of the bill be amended by adding—

**Mr. Chairman:** Order. We are not on that section yet. We have just concluded section 11. The member for Welland-Thorold has moved an amendment to section 12. He mentioned that he had a section 13 that flowed from that. He mentioned that he wanted to combine his comments on sections 12 and 13. Perhaps we could put his motion, on which he has made his comments.

Mr. Swart moves a new section 13 as follows:

"13(1) The commission may make bylaws regulating its proceedings and generally for the conduct and management of its affairs.

"(2) In exercising its powers under this act the commission shall, where appropriate, make use of the services and facilities of any ministry, board, commission or agency of the government of Ontario.

"(3) The commission may, subject to the approval of Management Board of Cabinet, use

the services of the staff seconded to the Inflation Restraint Board from the public service of Ontario, and engage under contract such persons as are considered necessary from time to time for the proper conduct of the affairs of the commission.

"(4) The commission shall, before making any order or determination, hold a hearing and the Statutory Powers Procedure Act applies to such a hearing.

"(5) No action for damages lies against any member or any employee of the commission for:

"(a) any act done in good faith in the performance or exercise of a power or duty, or

"(b) any neglect or default in the performance or exercise in good faith of that power or duty under this act.

"(6) Subsection 5 does not, by reason of subsections 5(2) and 5(4) of the Proceedings Against the Crown Act, relieve the crown of liability in respect of a tort to which it would otherwise be subject, and the crown is liable under that act for any tort in a like manner as if subsection 5 had not been enacted."

I wonder if the member could clarify this for the benefit of the chair. As I read your proposed subsection 13(3)—and the member will recall our comments on this at the last time of meeting—you are still proposing in your amendment that there could be the engaging, under contract, of such persons as are considered necessary from time to time for the proper conduct of the affairs of this commission.

It is obvious why I am asking this. You will recall standing order 15, whereby proposals for the expenditure of funds are prohibited except where proposed by a minister with the approval of the Lieutenant Governor. I have no problem with the seconding of existing staff, as you propose, for example, subject to Management Board of Cabinet; but in your very next sentences that flow from that you are again proposing to "engage under contract such persons as are considered necessary from time to time."

I guess am asking whether you might want to make an amendment to that.

**Mr. Swart:** Mr. Chairman, I am rising because I can see what you are coming to. I would make the amendment to delete subsection 3 and renumber 4, 5 and 6 accordingly. I do not think you want me to read it again, do you?

**Mr. Chairman:** No, I do not think that is necessary.

Mr. Swart has moved the insertion of a new

section 13. All those in favour will please say "aye."

All those opposed will please say "nay."

In my opinion the nays have it.

Vote stacked.

On section 12:

**Mr. Chairman:** Mr. Swart moves that section 12 be deleted and the following substituted therefor:

"In this part,

"(a) 'administered price' means,

"(i) a price, user charge, fee, premium or rent charged by a public agency;

"(ii) a price, user charge, fee, premium or rent required, permitted or authorized by a public regulatory agency to be charged by another person; and

"(iii) an amount payable by the Ontario health insurance plan for insured services;

"(b) 'price' means any price, user charge, fee or premium other than an administered price;

"(c) 'price increase' means an increase or a proposed increase in a price or an administered price;

"(d) 'public agency' means an agency, board, commission or corporation, including any wholly owned subsidiary corporation, established or controlled by the crown in right of Ontario which provides any product, service or residential rental accommodation for which a price, user charge, fee, premium or rent is charged;

"(e). 'public regulatory agency' means any ministry, agency, board, commission or corporation established or controlled by the crown in right of Ontario which approves, establishes, regulates or requires particular prices, user charges, fees, premiums or rents to be charged for any product, service or residential rental accommodation."

3:50 p.m.

**Mr. Swart:** Mr. Chairman, in this motion we are enlarging the definition of "administered price" and bringing in the additional items of premium and rent.

Regardless of whether members of this House agree with the fair prices commission—I wish the member for Brant-Oxford-Norfolk (Mr. Nixon) was listening because I think he would agree on this one—enlarging administered prices to include premiums and rents is a very reasonable proposal. I think of the premiums for the Ontario health insurance plan, which surely should be controlled as well. We feel this is the very minimum enlargement that should be made in the term "administered prices."

**Hon. Mr. Grossman:** Mr. Chairman, as I said with regard to the last amendment, to those who believe we should not return to the free and open system in prices we had before Bill 179 and also to those who think we should structure an even more restrictive system than we have had even under Bill 179, this amendment would be acceptable. Those of us who believe the system as we know it works relatively well in Ontario would have to reject this amendment.

**Mr. Chairman:** Is it the pleasure of the House that Mr. Swart's amendment to section 12 carry?

All those in favour will please say "aye."

All those opposed will please say "nay."

In my opinion the nays have it.

Vote stacked.

On section 13:

**Mr. Chairman:** Mr. Wrye moves that section 13 of the bill be amended by adding thereto the following subsection:

"(1a) The minister shall establish, and may from time to time amend, economic criteria by which price increases shall be reviewed and

"(a) shall publish the criteria and any amendments in the Ontario Gazette;

"(b) shall circulate the criteria and any amendments to every public agency and public regulatory agency; and

"(c) may give public notice of the criteria and any amendments in such manner as the minister considers appropriate."

**Mr. Wrye:** Mr. Chairman, this first of a series of amendments to section 13 simply says the criteria the minister is establishing must be reported so the public of Ontario and indeed every agency shall be aware of those criteria. We believe it is important that we take those criteria out of the darkness and put them in the light of day so the various economic criteria by which the government is reviewing price increases can be seen by all.

**Mr. Swart:** Mr. Chairman, we have a comprehensive amendment to delete the section, but it does include exactly what the member for Windsor-Sandwich has stated. We will be supporting that and putting our more comprehensive resolution in just a moment.

**Hon. Mr. Grossman:** Mr. Chairman, we accept this amendment.

**Mr. Chairman:** Mr. Wrye has moved an amendment to section 13. Is it the pleasure of the House that the motion carry?

Motion agreed to.

**Mr. Chairman:** Are there any further amendments to section 13?

**Mr. Wrye:** Yes, Mr. Chairman, now that I am on a roll.

**Mr. Chairman:** Mr. Wrye moves that section 13 of the bill be amended by adding thereto the following subsection:

"(2a) any person may request that the board investigate a price increase where the price increase occurs on or after the first day of January 1984 and before the later of,

"(a) the first day of January 1985; and

"(b) in the case of a public agency or a person regulated by a public regulatory agency that has implemented a price increase on or after the first day of January 1984 and prior to the first day of January 1985, the day one year from the last such increase."

**Mr. Wrye:** Mr. Chairman, this amendment is similar to one which we wished to put last year. Indeed, a number of the amendments that follow are similar to those we proposed last year.

The key to this amendment is that it allows any person to request that the board investigate prices increases rather than the current very narrow rights of referrals. We believe the proposed legislation is inadequate in that it does not allow for the public which may become aware of a price increase or may be concerned about it to ask that the board investigate such a price increase.

Quite clearly it is our view that in this restraint period, in this second year of restraint—and I think while the minister would state there is a much looser restraint in this transition year, none the less we are looking at a second year of restraint—on the price side in this second year we ought to ensure that the general public comes to be supportive of the efforts of the Legislature on the price side and that there be general unanimity among the public that where there are price increases they can be seen to be fair in that all persons can request an investigation of these price increases, and that is what our amendment would do.

**Mr. Swart:** Mr. Chairman, we will be supporting this amendment because once again we have it in our comprehensive amendment, which has been tabled with the members for some time.

I think, though, it is fair to say that all of this is being debated in a vacuum if section 14 remains as it is. That prevents anybody, including the government, from doing anything about it. All of these procedures are great if they lead up to

some point, somebody intervening and saying, "That price is too high;" but that is not even permitted under this bill.

Even if a person asks for this price to be reviewed, the end result is that even if it is reviewed and found too high nobody can do anything about it anyhow. It does not really accomplish much for the public.

However, I suppose the principle in that vacuum is a good principle. Maybe some day we will get some authority to do something about prices. It will not hurt to have it in a bill which is now absolutely meaningless with regard to prices.

**Hon. Mr. Grossman:** Mr. Chairman, as I read the amendment, our first problem with section 13 is that it would have the Inflation Restraint Board investigate a price increase, and of course the intent of the legislation is that this remain an item reviewed by the cabinet committee on administered prices. This would be a fundamental change in the regime that we have established or want to establish through this legislation, which has those who are ultimately responsible to answer to the public in terms of those prices answer for those prices and make decisions.

**4 p.m.**

After all, if one will reflect upon it, that is the same kind of principle we have put forward in terms of the other side of the bill, the wage side, with municipalities, school boards, elected officials, people who run the hospitals and the universities at the front line this year taking responsibility for those decisions.

I think that is equally appropriate, notwithstanding the fact it will from time to time put the burden right in the laps of those of us on Treasury benches on this side. None the less, as uncomfortable as that may be some days, we think it is appropriate that responsibility be and remain in the hands of those who ultimately have to answer for this policy. That is equally the case, whether for municipalities or school boards, or the Treasury benches in terms of provincially administered prices.

For that reason, I think it is appropriate and consistent that this amendment not be accepted.

**Mr. Chairman:** Mr. Wrye has moved an amendment to section 13 by adding to clause 2(a).

All those in favour of Mr. Wrye's amendment will please say "aye."

All those opposed will please say "nay."

In my opinion the nays have it.

Vote stacked.



**Mr. Chairman:** Are there other amendments to section 13?

Mr. Wrye moves that subsection 13(3) of the bill be struck out and the following substituted therefor:

"(3) Where a price increase is referred to the board by the minister or where a person requests an investigation under subsection 2(a), the board shall,

"(a) investigate and report on the price increase and determine whether it conforms to the criteria;

"(b) where the board determines that the price increase does not conform to the criteria, determine, or request the public agency or public regulatory agency concerned to determine, the maximum price increase which would so conform; and

"(c) report to the minister and, in the case of an investigation requested under subsection 2(a), notify the person of the result of its investigation and determination under clauses (a) and (b)."

Do any honourable members wish to speak to this amendment to subsection 13(3)?

**Mr. Swart:** Yes, Mr. Chairman. This is a desirable amendment, in our view, if we can only get the government to put some teeth in section 14. Once again, all this does is recommend that the minister have no power whatsoever. When it is referred to the cabinet they cannot do anything about it, even if they wanted to, because there is no legislation permitting it. But because it leads up to something which could be good, if we get that amendment to section 14, we are prepared to support it.

**Hon. Mr. Grossman:** My remarks here would, of course, be consistent with my remarks with regard to the previous amendment. Might I also say that it really changes the board's role in a fundamental way, and one which we have chosen this year to reject. We have chosen to have all of those matters determined not in a forum such as this, which we think would be less appropriate, but to have them dealt with, as I said earlier, at the Treasury bench level.

**Mr. Chairman:** All those in favour of Mr. Wrye's amendment will please say "aye." All those opposed will please say "nay."

In my opinion the nays have it.

Vote stacked.

**Mr. Chairman:** Are there other amendments to section 13?

**Mr. Swart:** I would now like to put the comprehensive amendment, which incorporates

all the amendments that have been put by the member for Windsor-Sandwich plus some more.

**Mr. Chairman:** Mr. Swart moves that section 13 be deleted and that the following new section be added:

"13.(1) Where any person requires in writing that the board investigate a price increase that occurs or takes effect on or after January 1, 1984, the board shall investigate and report on the price increase and shall determine whether the price increase is fair.

"(2) In determining whether a price increase is fair, the board shall take into consideration,

"(a) whether in light of the earlier price increases relating to the same product, service or rental accommodation the person or public agency proposing the price increase could reasonably be expected to absorb a higher share of the price increase;

"(b) whether the price increase takes place in a sector dominated by one or a few suppliers of the relevant product, service or rental accommodation;

"(c) whether the price increase relates to an essential consumer product or service;

"(d) whether the public interest would be better served by a lower price increase or by no price increase;

"(e) whether a price increase would have a significant impact on the rate of inflation as measured by the consumer price index published by Statistics Canada;

"(f) whether the price increase would materially affect the general standard of living or the standard of living of a particular class of consumer;

"(g) whether the price increase would exceed current average real wage gains;

"(h) whether the price increase, apart from its own merits, can be justified in view of current economic conditions;

"(i) the economic criteria established and published under subsection 3; and

"(j) any other relevant circumstances.

"(3) The board shall establish and publish economic criteria for the review of price increases.

"(4) Where the board determines that a price increase is not fair, the board may by order,

"(a) require that the price or administered price be frozen at its current level;

"(b) require that the price or administered price be rolled back from its current level to a specified level;

"(c) substitute a lower price increase for the proposed price increase;

"(d) delay the effective date of a price increase;

"(e) impose conditions on a public agency or

other person with regard to the implementation of a price increase; or

"(f) exercise any combination of the powers in clauses (a), (b), (c), (d) and (e).

"(5) Upon the petition of any person, filed with the clerk of the executive council within 30 days after the date of an order for the board, the Lieutenant Governor in Council may,

"(a) confirm, vary or rescind the whole or any part of the order; or

"(b) require the board to reconsider in a new public hearing the whole or any part of the matter to which the order relates,

"and the decision of the board after the public hearing ordered under clause (b) is not subject to petition under this section.

"(6) Any person who has filed a petition under subsection (1) may at any time withdraw the petition by filing a notice of withdrawal with the clerk of the executive council."

**Mr. Swart:** Mr. Chairman, as you may or may not know, I made most of my remarks on the preliminary amendment, but I want to point out that this amendment puts teeth back in the bill, as they were in Bill 179, and gives power somewhere to roll back or to hold prices. As I have already stated, and the minister agrees, this is power that is totally absent from the present bill.

Again I point out that the present bill has absolutely no meaning whatsoever with regard to prices. We want to give some meaning to the prices section of this bill so there is some *ad hoc* price control against unjustified increases.

4:10 p.m.

**Hon. Mr. Grossman:** Mr. Chairman, I remind members of the House that we have chosen not to have rollback powers on the wages side. We have equally decided that rollback powers on the price side would be inappropriate.

**The Deputy Chairman:** All those in favour of Mr. Swart's new section 13 will please say "aye." All those opposed will please say "nay."

In my opinion the nays have it.

Vote stacked.

On section 14:

**The Deputy Chairman:** Mr. Wrye moves that subsection 14(2) of the bill be struck out and the following substituted therefor:

"(2) Where the report of the board made under clause 13(3)(c) indicates that the price increase does not conform with the criteria, the minister shall notify the agency or person in question and make recommendations to the

Lieutenant Governor in Council with respect to the price increase.

"(3) Notwithstanding any other act, the Lieutenant Governor in Council on the recommendation of the minister may by order,

"(a) disallow a price increase in whole or in part;

"(b) where appropriate, substitute a price increase for the price increase disallowed under clause (a);

"(c) delay the effective date of a price increase;

"(d) impose conditions on the public agency or other person with regard to the implementation of a price increase; or

"(e) exercise any combination of the powers in clauses (a), (b), (c) and (d).

"(4) No order shall be made under subsection (3) except with regard to a price increase occurring within the period referred to in subsection 13(2)."

**Mr. Wrye:** Mr. Chairman, the section we are moving now puts some teeth in the review of price increases that are not apparent in section 14 of the legislation. My concern is that in this year of transition the minister is attempting to put price increases that were not really controlled in any way last year into the transition year.

To hold down inflation the Treasurer has certainly, in our view, put in place—and we have carried most of them—sections on the wage side that will have the effect of holding down wages in the public sector. Very clearly, according to the statistics we have all seen, wage increases in the private sector remain stalled at a very low level. To say we are simply going to have a monitoring agency on the wage side is, I think, appropriate in the second year, the transition year of these increases, in that the wage increases will probably be limited by the very nature of the transfers from the province to many of the agencies and by the arbitration procedures which were carried the other night.

On the other hand, we see no reason why there should be the appropriate transition year on the price side. Quite frankly, we are still waiting for year one of price restraint. Some of the other amendments we will be moving will speak to some of the specific issues and some of the specific prices we believe should be restrained.

Failing that, the major point in this amendment is that we think it is time not simply to get on with reporting back to the Lieutenant Governor in Council where there are price increases exceeding the criteria, but we believe the minister and the government must have the power

and should have the power either to disallow the increases in total or to limit them. That is the basis of our proposed change to section 14.

**Mr. Swart:** Mr. Chairman, you would expect we would support this amendment as well because it incorporates some of the provisions from the amendment I just put and which I referred to in my original comments.

The minister says he is treating them both the same. I say that is nonsense. He is not treating compensation the same as he is treating prices. He knows very well that in the transfers he is limiting the wages the public sector can get. There is no question about that. There is nothing in here at all to limit prices. If he is going to treat them both the same he would have monitored only, in dealing with wages in the public sector; he would not have said he was going to limit the transfers to five per cent so that is all the increase there can be in wages. He knows that very well.

The minister is abandoning totally any control whatsoever he had over prices under the last bill, which incidentally he did not use. He is not abandoning wage control of public servants. He is just going another route to get the same thing. Granted, it may be a route which is perhaps not quite as severe or quite as arbitrary, but it is a route which he thinks is going to be effective. But he is not doing a thing here about prices. Obviously, we are going to support this amendment.

The facts are that what we have, as I pointed out in the debate on a public advocate, is a system to deal with administered prices that is unfair to the consumers and that is partial to those corporations which ask for the increases, whether it is Ontario Hydro, the natural gas companies or Bell Canada. When one comes to the hearings the companies themselves have by far the preponderance of experts and lawyers there to promote their case and the consumers are left with little or no protection whatsoever.

The other evening the Conservative members, and for that matter the Liberals too, spoke against the principle of a public advocate which would have given some equality to consumers in defending themselves against increases. When we have agencies set up which do not ensure fairness, this kind of restraint surely becomes necessary in order to have the power someplace to roll back unjustified increases in administered prices.

That is exactly why we put the amendment ahead of this one and why we will be supporting this amendment.

**Hon. Mr. Grossman:** Mr. Chairman, there is nothing I can add. This would be a logical amendment to make if one accepted the earlier amendments and believed in them; if not, to be consistent with the scheme we have decided to go with, one would have to reject this amendment.

**The Deputy Chairman:** All those in favour of Mr. Wrye's amendment to section 14 will please say "aye."

All those opposed will please say "nay."

In my opinion the nays have it.

Vote stacked.

Section 15 agreed to.

4:20 p.m.

On section 16:

**Hon. Mr. Grossman:** Carried.

**The Deputy Chairman:** No; we are asking for participation or discussion.

**Mr. Wrye:** Mr. Chairman, I move that the bill be amended by adding thereto the following sections:

"16a. Notwithstanding any other act or regulation, the amounts payable by the Ontario health insurance plan under the Health Insurance Act for insured services rendered by physicians and practitioners shall not increase by more than five per cent during the period from the first day of January 1984 to the 31st day of December 1984.

"16b. Section 37 of the Ontario Energy Board Act, being chapter 332 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following subsection:

(11) Notwithstanding anything else in this section, during the period from the first day of January 1984 to the 31st day of December 1984, Ontario Hydro shall not increase any of its rates or charges for any customer so as to exceed an annual rate of increase of five per cent based on the rates and charges in effect on the 31st day of December 1983.

16c. The Residential Tenancies Act, being chapter 452 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following section:

"125a. Despite anything else in this part, during the period from the first day of January 1984 to the 31st day of December 1984, no landlord shall increase the rent charged for a rental unit by more than five per cent of the last rent that was charged for an equivalent rental period."

**The Deputy Chairman:** What was that you were just reading?



**Mr. Wrye:** I am sorry; are you missing part of my amendment?

**The Deputy Chairman:** I do not have what you just read. Could you give me a copy of what you just moved?

**Mr. Wrye:** The whole thing?

**The Deputy Chairman:** No; I have 16a and 16b but you just closed off with 16c and that is not on this copy. It is missing totally from the table.

I have a problem with the motion that has been placed by the member for Windsor-Sandwich. In his amendment before us he refers to the Health Insurance Act and the Ontario Energy Board Act. For the sake of all members who want to know the reference from which I am drawing in regard to the admissibility of amendments in committee, under Beauchesne's Parliamentary Rules and Forms, which I am following and which I like to follow, and which I respect as this House does as a way of guiding us through business, it indicates on page 233, section 773(8)(a), "An amendment may not amend a statute which is not before the committee."

The motion presented by the member for Windsor-Sandwich refers to two separate acts that are not before this House in Bill 111. I therefore cannot accept it as an admissible amendment.

Section 16 agreed to.

Sections 17 to 21, inclusive, agreed to.

On section 22:

**The Deputy Chairman:** Mr. Wrye moves that section 22 be amended by adding thereto the following subsection:

"This act shall be deemed to have expired on January 1, 1985."

**Mr. Wrye:** Mr. Chairman, very briefly, this follows to some extent an amendment the third party put the other night to the arbitration section. While that amendment failed, we are attempting to sunset the entire act. Very clearly, our greatest concern is that the arbitration section of this legislation be sunsetted, although we have a general concern that this so-called transition year be exactly that and not be extended for an indefinite period.

**Mr. Swart:** Mr. Chairman, we will be supporting this amendment. I would anticipate the minister would also be supporting this. Certainly, he has stated over and over again that this bill will be in place for only one year. If we on this side of the House are to believe that, and if we are assured

that this takes place, then this amendment will carry.

**Hon. Mr. Grossman:** Mr. Chairman, we have indicated a couple of times that a careful reading of the bill, particularly clause 1(1)(i) and subsection 8(2), makes it quite clear that the effect of this legislation is to cover only the contracts coming due in the next period of time. It covers only one contract negotiation period.

The problem with this amendment, which obviously does little other than put in a single expiry date, is that some contracts may not have been settled by January 1, 1985. For example, the teachers' contracts fall due, I think, in September 1984. It is not inconceivable that if that process runs its fullest course, it could result in a determination being made after January 1, 1985. That would take them outside of this legislation.

In any case, the point I want to make quite clear is that the bill covers the next contract coming in, and only that contract. Notwithstanding that it is not contained in seven words in any one section, it is quite clear there is no possibility that anyone could suggest this bill applies for a more extended period of time.

**Mr. Wrye:** I would say to the minister very briefly that while I can perhaps understand his concern about that particular date, I would hope he would share the concern we are expressing on this side, and the concern that members of the public have expressed, that there are only vague sunset provisions, as the minister knows. Perhaps he might want to choose a date of his own.

I certainly understand his repeated assurances that this is a one-year transitional measure. However, the Treasurer will be aware that at the beginning of this exercise his predecessor indicated the controls of any kind were for one year. I remember the Treasurer's predecessor emphasizing on a number of occasions that we have only this one-year criterion and that the people in Ottawa have much tougher measures which are going to go on for two years.

Here we are debating a second year of some form of restraint and controls. If the Treasurer does not wish to take our date he can pick his own to indicate that there is an end, at some point, to the exercise, or that it will continue, rather than saying, "We will put these matters in place and perhaps in time they may end."

4:30 p.m.

**Hon. Mr. Grossman:** I remind the member that, whatever date we select, we would have

built into it an inherent invitation to the negotiators to drag out negotiations, to stall negotiations, until they had passed that date. This is the very real problem in doing it other than the way we have done it. The way we have done it just says, "The next time—the next contract—you are covered, and that is it." If one picks a date, it does not matter which date one picks, as we saw in coming to Bill 179; some contracts that had not been settled yet were a year and a half to two years old in terms of the coverage period.

Whatever date one picks, one really holds out a very real invitation to people to simply say: "I am not going to settle. I will just sit here at the negotiating table until we pass the expiry date before we go to this approach."

**Mr. Chairman:** All those in favour of Mr. Wrye's amendment will please say "aye."

All those opposed will please say "nay."

In my opinion the nays have it.

Vote stacked.

**Mr. Chairman:** Mr. Rae moves that section 22 be amended by adding the following:

"Nothing in this act should be interpreted as taking away any rights provided for in the Human Rights Code of Ontario, RSO 1980, as amended."

**Mr. Rae:** Mr. Chairman, I discussed this very briefly with the Treasurer, but the reason I am putting it forward as an amendment is to make it very clear that other restrictions notwithstanding, and other unfairnesses notwithstanding—which as far as we are concerned are a matter of public record—we expect the act will conform in all its particulars to the rights in terms of equality as are set out in the Human Rights Code. For purposes of greater clarity, I think it would be useful if this were appended to the act.

**Hon. Mr. Grossman:** Mr. Chairman, notwithstanding the concerns expressed by the member for York South, I would find it unusual if anyone suggested this infringed on the Human Rights Code of Ontario. Accepting an amendment would, by implication, suggest that one or two of the sections might operate in that way and that this section was necessary to clarify that they did not. That would be quite inappropriate, I would suggest further, since all of our legislation complies with the Human Rights Code.

I would strongly suggest that if we were to accept an amendment such as this it would be incumbent upon us to put a similar clause in every piece of legislation that went through this House, else some court, some day, could say that since this clause was specifically written in

this piece of legislation, Bill 111, but was left out of all the other pieces of legislation, then the Legislature must have been implying a different kind of compliance for all the subsequent pieces of legislation, or legislation already on the books for that matter, than we put on Bill 111.

I would simply say that if we put it in here we ought to put it in everywhere. It is not necessary here because there is no clause in this bill that contravenes or can be said to contravene the code, and the implications that this would have for all other pieces of legislation that do not carry this clause would be potentially difficult.

I know all members of this House support me when I say that we all know this piece of legislation, notwithstanding the shortcomings that some members think it has, supports the code and we know that this bill complies with the code. That being the case, I would suggest the implications of putting this in would be unfortunate, to put it mildly.

**Mr. Chairman:** Mr. Rae has moved the addition of a clause. All those in favour will please say "aye."

All those opposed will please say "nay."

In my opinion the nays have it.

Vote stacked.

On the schedule:

**Mr. Chairman:** Is it the pleasure of the House that the schedule that forms part of Bill 111 shall carry?

All those in favour will please say "aye."

All those opposed will please say "nay."

In my opinion the ayes have it.

Schedule agreed to.

**Mr. Chairman:** I believe we still have section 5 stood down.

**Mr. Wrye:** On a point of order, Mr. Chairman: I do not believe we have done section 23.

**Mr. Chairman:** No. That is the last matter to be dealt with. Do you wish to go back to section 5 at this point?

**Some hon. members:** Yes.

On section 5:

**Mr. Chairman:** Mr. T. P. Reid moves that section 5 of the bill be amended by adding thereto the following subsection:

"(3) This part does not apply to a change in the wages provided for in a group compensation plan where the change is required to be made in the restraint period by the regulations pursuant to the Employment Standards Act."

**Hon. Mr. Grossman:** Mr. Chairman, we accept the amendment.

Motion agreed to.

Section 5, as amended, agreed to.

Section 23 agreed to.

On motion by Hon. Mr. Grossman, the committee of the whole House reported progress.

**The Acting Speaker (Mr. Cousins):** There being 20 minutes before the next order can take place, I will leave the chair for 20 minutes, at which time the House will resume.

The House recessed at 4:40 p.m.

5 p.m.

House in committee of supply.

ESTIMATES, OFFICE OF THE  
PREMIER AND CABINET OFFICE  
(concluded)

**Mr. Ruston:** Mr. Chairman, has the Premier (Mr. Davis) finished his reply? We are in a bit of a bind. The member for Renfrew North (Mr. Conway) is some place between here and there; in the snow or on the plane, I am not sure. Anyway, we are prepared to go ahead. Has the Premier finished his reply?

**Hon. Mr. Davis:** Mr. Chairman, there are three or four other items I was going to touch on rather briefly. I could do those and finish them up, or whatever the members would like.

**Mr. Ruston:** I think the Premier might as well finish them and then we could go on.

**Hon. Mr. Davis:** I sometimes try to take these in the reverse order they were raised. I think two or three members raised the question of advertising.

**Mr. Ruston:** The moose are all gone now.

**Hon. Mr. Davis:** I have a lot more to say on the moose lottery, but I guess I will ignore that. There were one or two questions raised on advertising. I am not attempting to set the record straight, but just to explain it in a way that perhaps has not appeared totally in print or deal with some perceptions that may exist.

I might also interject here that some of us were treated to an excellent presentation from the Ontario Chamber of Commerce, where the president emeritus, who has been constructively critical of the government, observed with the press there—and I really did encourage them to make notes of it—how, on balance, he thought the auditor's report really reflected excellent management on the part of govern-

ment. I just thought I would interject that from a totally unbiased, objective observer.

**Mr. Nixon:** The press does not pick up that kind of thing, does it?

**Mr. McClellan:** The chamber likes rent control too.

**Hon. Mr. Davis:** My recollection is that for the past two years they have been less than enthusiastic about rent control. I think that was their point of view.

**Mr. McClellan:** I must have missed that.

**Hon. Mr. Davis:** We were looking at some percentage increases. As I said to the House, in terms of "government advertising" I think one has to distinguish between moneys allocated for internal communication within government and those moneys allocated for communication with the public, primarily through television, radio and newspapers.

I would point out to the members that the actual expenditure increase in 1982-83 over 1981-82 for government advertising, which is a word or phrase we all understand, really was an increase of 10.3 per cent. I think it is important it be understood that 10.3 per cent really reflects an increase in inflation in terms of the costs of buying X number of pages or X number of minutes on television or time on radio. The actual increase for "advertising" did not increase.

There was a larger percentage increase in the Ontario Lottery Corp. I am not sure whether in the auditor's report, where it was commented on, it was distinguished that the Ontario Lottery Corp. has the responsibility itself for the moneys it allocates to promoting the various games. These are not tax moneys. These are not moneys paid by taxpayers into the consolidated revenue fund and then disbursed by government. They are moneys controlled by the lottery corporation. It is part of, I guess one would say, their overhead or what have you.

Their decision is made on the basis of the market. Part of that increase in the lottery corporation really related to what was not a new game but what I gather, and I do not follow these games that carefully, was sort of an add-on to Wintario. That really was part of the reason the increase took place in the lottery corporation.

They make their judgements based on what they think is necessary to promote the lotteries, which in turn helps sell tickets, which in turn helps the total amount of proceeds. I would hope there is a clear understanding that in terms of actual government programs, like Food Lands Ontario, some of the energy materials, senior



citizens and the various communications programs, there was roughly a 10.3 per cent increase in expenditure and that was primarily because of the increased costs.

I think there was some impression left that this was done on an ad hoc basis and perhaps with not a total awareness of the concept of the agency of record. Unlike one or two press reports, which indicated the agency of record received the money and then just sort of picked out various agencies to do the work, the reality is the ministries make the arrangements with the individual firms which then in turn buy the media through the agency of record.

The fees are set. It is an industry standard, as it is for the various advertising companies, but the agency of record does not pick out or select the company that is to do the work. That is done by the ministries. Then the material or time is purchased through the agency of record on the basis of a straight commission.

As I said to one or two members in the opposition who were constructively critical of government expenditures, I genuinely ask whether it is government communications of this nature that members feel should not be available in, say, the health field? Do we really suggest we are doing too much in the agricultural field, and I could go through a whole list—

**Mr. Nixon:** The lottery.

**Hon. Mr. Davis:** I say to the member—

**Mr. Nixon:** The Premier just said he has nothing to do with that. I understand he wants one. That is a Miss Penelope that we do not need.

**Hon. Mr. Davis:** I have discussed this briefly with the people at the corporation and they say, based on their marketing experience, that one has to promote or advertise lotteries. As a result, part of their budget is to interest people in purchasing the tickets which in turn provide the funds.

**Mr. McClellan:** If one is in the gambling business one has to advertise.

**Mr. Nixon:** They are going to give away all those millions of dollars. The Premier is telling them he wants them to be successful.

**Hon. Mr. Davis:** That is where the lottery advertising comes from. As I say, it is not expenditure of taxpayers' money.

**Mr. Nixon:** Whose money is it?

**Hon. Mr. Davis:** The money comes from the

sale of tickets. It is not money that comes from taxes.

**Mr. Nixon:** Gamblers' money.

**Hon. Mr. Davis:** I think I recall one or two projects in the honourable member's riding where he has been very supportive of Wintari grants.

**Mr. Nixon:** What has that got to do with it?

**Hon. Mr. Davis:** The member was being constructively critical of the gamblers' money.

**Mr. Nixon:** But to go back, saying where we could cut the advertising, my answer is Miss Penelope. Somehow the company went broke and she did not get paid.

**Hon. Mr. Davis:** I am sorry. I did not know he was referring to a specific problem. I do not know Miss Penelope.

**Mr. Nixon:** Well, she looks like a Tory.

**Hon. Mr. Davis:** If she is good looking then she looks like a Tory; I understand that.

**Mr. Nixon:** I did not say that.

**The Deputy Chairman:** Maybe the Premier can finish his remarks and then—

**Hon. Mr. Davis:** I have a lot more material on the question of the agency of record and I would be delighted to share that with the honourable members.

**Mr. Nixon:** If the Premier is trying to justify it, it is a waste of time.

**Hon. Mr. Davis:** The member will not understand it; he does not want to understand it.

**Mr. Nixon:** We understand it all right; he and his pals.

**Hon. Mr. Davis:** Does the member know how many firms are on the list in Ottawa? I think it is three.

**Mr. Nixon:** What does that prove?

**Hon. Mr. Davis:** What does it prove? It proves we are far more enlightened than they are. The member knows that to be the case anyway. I guess I do not have to prove that to him; he has known that for years.

**Hon. Mr. Ashe:** He will not even argue about that one.

5:10 p.m.

**The Deputy Chairman:** Order. The Premier is completing his response to the question.

**Hon. Mr. Davis:** I am endeavouring to explain it.

**Mr. Kerrio:** How does the Premier expect us to know as much about the federal government as he does when he is palsy-walsy with them?

**Hon. Mr. Davis:** I read in the paper where half the proceeds from the last supper tomorrow night are going to the Ontario Liberal Party. Is that the federal wing?

**Mr. Nixon:** The Premier has that wrong. For the very first time he is kind of messed up.

**The Deputy Chairman:** Please stand up and make a point and then—

**Mr. Nixon:** Half of the proceeds are going to the federal party in Ontario. There is a difference.

**Hon. Mr. Davis:** I am delighted to hear it, because I have read reports that the cash flow to the Ontario Liberal Party has not increased in direct proportion to what the member's leader said it was going to increase. I thought tomorrow night was a way of offsetting that. Can I ask the member for Brant-Oxford-Norfolk if he intends to attend tomorrow night?

**Mr. Nixon:** I am going to be there—the cardinal and I.

**Hon. Mr. Davis:** The member is in good company. He better take the member for Renfrew North with him.

The member for Renfrew North raised another concern about university financing, enrolment, etc. I just want to comment very briefly on that subject. I am not going to argue for a moment that the university community does not feel, quite sincerely, that it could properly use more money. The great difficulty we have in government is determining the priorities with respect to expenditures. I would not debate with the university community either the sincerity of its concerns or, in some cases, the validity.

I explained to some people from the university community during the latter part of last week that the problem we have is trying to determine how much out of X dollars should be apportioned to the health system, how much to the municipalities, how much to the educational system and how much to the post-secondary system.

The member for Renfrew North referred to certain reports. Not in any way to offer critical comment on one or two reports in particular, it has been my experience in some years that reports on the post-secondary area are never totally conclusive. Suggestions are made or solutions are acceptable to some members of the community and not acceptable to others.

The Fisher report, as it has been called, took the approach of decreasing the number of post-secondary institutions. I have expressed publicly, so it is not new, that I would be very reluctant to go the route of decreasing the

number of post-secondary institutions in the province and that we had to find some other alternatives. One of the other alternatives was the question of increased funding.

One of the problems we have had in government over the past three or four years is that we allocated a certain percentage increase to our universities. Again without being critical of them, there has been a tendency over the years at some institutions to look at the increase in the formula amount or the total percentage increase to be allocated and say if it is X per cent then that is the target or the objective for salary increases. Much of what we have provided to the universities has gone by way of salary increases and, in their view, that has left them deficient in terms of book acquisitions or lab equipment.

It is fair to state we hope to find some other mechanisms. There is some question on the formula. We have to keep in mind that we have, on balance, an excellent post-secondary system. I do not expect the members opposite to express publicly that point of view, but I have some modest knowledge in this field. I know what is happening in many states of the union with respect to funding. I would compare the quality here favourably with just about any state-wide program in the United States, including now the great state of California.

I can recall that the member's leader's predecessor twice removed was always very knowledgeable about education, particularly in the United States. Even during his periods of great concern about cultural and economic nationalism, he would come in here and read me excerpts from American publications. I always found that to be a shade contradictory, but none the less he articulated it very well.

I can recall how on occasion he held out as an example the state system in the state of California, which I guess in the late 1960s and early 1970s was the most generously funded of state systems in the United States. That has changed very substantially, partially because of the result of proposition 13, which was not really related to the financing of the universities but the psychological impact led to reductions of state funds.

It is kind of intriguing. Every now and then I do visit the United States, not as often as some members do who are on committees but I do get down there on occasion. I go to the University of Michigan, Ohio State and other very important cultural institutions where I talk with their presidents.

The president at Michigan, incidentally, is a brother of the president of the Ontario Institute for Studies in Education. He is a Canadian and the head at Michigan, which is an accomplishment in itself. We discussed not how much they got but how in the year they had an absolute reduction in state allocation of somewhere around five per cent. I tell my university friends this but it does not bring them any comfort; they say it does not help them at all.

I would only point out that there are some improvements we can make and they are not simplistic. Basically, we have a good system of education at the post-secondary level in this province and it is the government's commitment to maintain that.

I will touch on Ontario Hydro very briefly because I think both members who led off this discussion referred to Ontario Hydro. Once again, I am not going to spend the next 15 or 20 minutes extolling the virtues of Ontario Hydro except to try to put it in some perspective. One cannot run a utility of that size and that complexity without some difficulties emerging and Ontario Hydro has had its share.

I try to look at it as objectively as one can in my position. I try to understand the complexities of the issues that Hydro is dealing with, whether they are on the nuclear side or whether it is the question of transmission line location.

I listened to the member for Niagara Falls (Mr. Kerrio) say we should privatize, not Ontario Hydro—I will accept the member's alteration of what he was perceived to have said—but that there should be new, smaller hydro units developed. I do not quarrel with that as a possibility. I would say to him that any analysis would indicate that while there may be some sites to generate a small amount of capacity using water as the basis of electrical generation, they would only cover a very small portion related to the overall needs of this province.

**Mr. Kerrio:** Help us to develop the technology. It would be easier than selling the Candu reactor.

**Hon. Mr. Davis:** With great respect, many of the countries of the world that are seeking large power developments are looking to the megaprojects, they are not looking to this sort of technology. I would be very optimistic under certain circumstances that our Candu reactor could be sold in other parts of the world in spite of the criticisms we hear here.

When one is talking to energy people from other parts of the world one finds the Candu system is probably regarded, in terms of its

technology, as one of the world leaders. I take a certain amount of pride in that.

**Mr. Kerrio:** No question.

**Hon. Mr. Davis:** Would you make a mental note of that, Mr. Chairman, that the member for Niagara Falls said "No question" to that observation.

**Mr. Nixon:** It is one of the best.

**Hon. Mr. Davis:** It is one of the best.

**Mr. Nixon:** Why do they not buy them?

**Hon. Mr. Davis:** The sales have not been what I think they should be, I would say to the member for Brant-Oxford-Norfolk, who represents such a broad spectrum of geography—

**Mr. Nixon:** And population.

**Hon. Mr. Davis:** It is not necessarily population but geography. I think one of the reasons has been the international treaties in which Canada is engaged. I think it is also fair to state that, in my view, we have not attempted as a country to market the Candu reactor as aggressively as might have.

**Mr. Nixon:** The Premier sounds like a candidate.

**Hon. Mr. Davis:** I will accept the member's application. Third, part of the problem has been in other areas. I will give an example. I will have to digress, I confess, but it has been partly the financial arrangements.

The reactor bid did not move ahead in Mexico because of the downturn in its economic conditions. My guess is that the proposal from this country to the government or energy authority in Mexico would be competitive in terms of price, and in terms of the technology it would be quite competitive; but I am not so sure how competitive it was with respect to the financing.

5:20 p.m.

I relate this little incident as it has to do with this area of international activity. When I was in Singapore, the prime purpose there was to deal with the favourite subject of the member for Wentworth North (Mr. Cunningham), namely, transit systems. As a result of the visit, I hope the bid of about \$500 million that will be going in in January, all being well, will be treated seriously. Our problem in that part of the world, in Singapore, was that Canada did not have a high profile. The bids were being contemplated initially from a group of companies across Canada, and one or two would have been in direct competition.

We had some success between governments



in developing a totally Canadian bid. It is a Canadian consortium made up of companies from Quebec, Ontario and some of our sister provinces; so the proposal going in in January will be a single bid from a Canadian consortium, whereby it will be treated as a sort of national bid. I do not try to understand all of this except that I know in perception it is very important.

I think we can be competitive in the area of quality. I am not sure what is going to happen in terms of price, because a lot will depend on the Export Development Corp. in terms of the financing. But as a country we still have a fair amount of homework to do on these major projects in developing a national approach, supported by the various governments that are involved, so that it does not appear as though there are half a dozen Canadian companies and they do not know who is doing what; because by and large you will find West Germany, Japan and the United Kingdom are there with single proposals.

I say to the member for Brant, Oxford and wherever, it is in the area of concessional financing where I think we may have had some trouble in some of the proposals on the Candu system. I am not sure of that. I have never been privy to any of that information. I am only guessing.

Getting back to the universities, just to finalize this, I think debates on the financing and the future directions of the universities are very helpful. They have always been constructive from my standpoint. I want to assure the member for Renfrew North, who raised this issue, that the universities have a high priority from the government's standpoint. They are fundamental in terms of whatever technical or economic changes are taking place because, without trying to make a speech, the reality is that in this country we will never compete on the basis of numbers in the domestic marketplace. We are in an internationally competitive environment; so we are going to do it by quality, by excellence and by our research and development, which means the creative capacities of our people.

That gets back to a basic extent to the educational system, and particularly to the post-secondary system, where I think increasingly we will see it oriented, not in terms of its traditional approach but in terms of its relationship to what is happening in the technological fields. This is not in any way altering the view I have always held that while universities may change in many respects, there is still a major

role to be played by—I never say a liberal arts education—a general arts education.

**Mr. Nixon:** You should break down and use the right word.

**Hon. Mr. Davis:** I have seen it used both ways; but the member will use his word, I will use my word and in this case we are both talking about the same thing.

To those young people who seek my advice, and on a personal basis they are diminishing, I say to those young people who say they are not really sure what they want to do as a career that there is nothing wrong with taking a four-year arts program and making one's determination at some point down the road. There is still great validity in a general education from a personal point of view and, to my mind, that will always be a fundamental responsibility of the university community, no matter what other changes may take place.

There are perhaps a dozen other matters I could refer to but I saw the member for Quinte (Mr. O'Neil) with his hand up—I am getting a little hoarse today; we have just had a long meeting—and if he has a matter to raise I will review my notes; after he has raised it, I may think of another dozen things members have asked me to comment on.

**Mr. O'Neil:** Mr. Chairman, I am glad to take the Premier off the hook any time.

**Hon. Mr. Davis:** You have done it all your life.

**Mr. O'Neil:** I have helped a little.

I want to raise another matter with regard to the estimates of the Premier's office which I raised in May or June; that was when all of the spending estimates came out pertaining to the amounts of money the different members of the Legislature and all parties had spent, not only in their own offices but also in their constituency offices.

I feel quite a problem has developed throughout a lot of the ridings, not only in the Liberal ridings but also in some of the Conservative ridings, in that the press picked up the figures quoted in those estimates of spending for the different offices. I think the Premier's office was listed as having cost somewhere around \$47,000. Some of the press reports that appeared around the province carried headlines that went something like, "Local Member Outspends Premier in Spending for His Offices."

When the Premier is submitting those costs, I wonder whether he could have his officials inquire as to whether his estimates could be

totally left out of those estimates and given separately or they could list the actual cost of running his offices.

When we had editorials and news articles in the papers it was a bit embarrassing not only to myself but also to other members, especially when we do watch what we spend and try to keep it in line so that we are not compared with only part of the costs of the Premier's office. I wonder whether he would have his officials look into it.

**Hon. Mr. Davis:** Mr. Chairman, I do not often forget, but I must confess that the honourable member did raise this. I will talk to the people who keep the books to see whether we can do it in some other fashion. It is never my intent to embarrass members opposite or those in our own party—certainly in the latter case—and never intentionally on matters of this nature. I might do so in terms of policy and inconsistencies on positions, but certainly not in an area such as this. I will take a look at it.

**Mr. Nixon:** Mr. Chairman, I want to speak briefly on another subject which is a pet one of mine. Each time we approach the Christmas season the Premier's colleague the Attorney General (Mr. McMurtry) heats up an anti-drinking and driving campaign—

**Hon. Mr. Davis:** I thought you were going to talk about unemployment insurance cuts.

**Mr. Nixon:** No, no; I have made my definitive comments about that.

There is a certain degree of lack of sincerity, not by either of the ministers but in the government policy in this regard. I do not want to spend too much time on it either. We have seen the Attorney General put the old wreck at the front of Queen's Park, and now he is making a succession of speeches saying we have to do something about this and how, if only the government of Canada would follow his lead, we could bring it under control.

**Mr. Hennessy:** Hear, hear.

**Mr. Nixon:** Some of the Premier's friends are saying "Hear, hear," and I certainly hope that is going to help.

I wish I had a chance to watch television a bit more, but every time I turn it on to watch a ball game or something the largest proportion of the ads that come bombarding out to me, and to even more impressionable young people, would foster the use of alcoholic beverages in a lifestyle that would not lead the young people to take the Attorney General's message seriously.

Just as we are in the business of selling lottery

tickets for a profit in this province—which are then turned to the public good in some ways we know about—we are also in the business of selling liquor for a profit. The profits this year are something like \$600 million—the Premier can tell me exactly—and on top of that we tax it at 10 per cent.

The advertisements that come over the television are misleading young people. The Premier must surely understand that the advertising is as good as money can buy. The same people who write his re-election jingles write the jingles for Old Vienna, Carlsberg Light, Labatt's Blue and all the rest of it. They are very compelling.

The lifestyle that is shown in these ads appeals particularly to young men. We know that in 95 per cent of the cases of drunk driving the charges are laid against young men. The ads are associated with a macho lifestyle. The ads not only show young men that they are somehow strange if they are not drinking with the boys, but also some of the ancillary lessons in those ads do not lead to the kind of quality of life the Premier and other members of this House would support.

The young men are always put into a position of leading in athletic endeavours—racing, swimming, ballooning, diving and everything else. The women are relegated to being delicate little flowers admiring those big, muscled bozos who are always taking the tops off ice-cold bottles of beer, but they never drink them. They have to be a weird bunch.

**5:30 p.m.**

My wife and I sometimes go skating on Saturday nights at the local arena. Afterwards, there is always a hockey game. I see these charming young ladies who are coming in to watch the big-time hockey players play hockey; then they have a Coca-Cola or something afterwards. The women are not given a leading role in participation. They learn this baloney from the beer ads.

I just want to say that we have the law and the will to do something about lifestyle beer advertising. For the Premier and the Attorney General to go around with this pious once-a-year business, saying, "Is it not awful about drinking and driving?" when we are doing nothing about these beer ads, strikes me as something less than admirable. I wanted to get that off my chest. I am a little bit late in life to be led too far astray and nobody is interested.

The Premier has indicated there are fewer and fewer people listening to his advice, and I

know what he means. His kids are growing up and moving away. Mine are grown up and all moved away. They can teach me a few tricks about certain things.

I really feel the beer ads that are coming out are giving a message that is definitely against what we as members of this House ought to be fostering. I do not know very many teetotallers in this House, but there may be some. That is not the message I am talking about. The message of moderation, the message of equality of the sexes and perhaps some kind of message about the responsibility of not driving while impaired is something we can get over better than we have.

**Hon. Mr. Davis:** Mr. Chairman, I will not comment at length on the very colourful description by the honourable member. Two or three women have told me—and I want to interject that one of them is not my wife, in case somebody wants to identify them—that there is a particular beer ad where it is always “me and the boys,” so they have decided to drink another brand. I want to make it clear that it was not my wife, as I do not want to get her in trouble. It is an interesting point, however, that would not have been observed five or six years ago.

In spite of what I read in the paper about a year ago where somebody who will remain nameless suggested I had quite a thirst, I believe in moderation. This subject always strikes a bit of a chord. However, I will try not to be mid-Victorian, as I have been described by some.

**Mr. McClellan:** It does have its risks.

**Hon. Mr. Davis:** It does have its risks, yes. The Leader of the Opposition (Mr. Peterson) pointed that out today, except he inserted the word “mid” and did not use the full title.

Some people would say to the member, not commenting on the nature of the ads, that in the beer industry we are talking about a share of market.

**Mr. Nixon:** That is what they say.

**Hon. Mr. Davis:** Yes.

I think if we look at the per capita consumption of beer, it is evident that there has been something of a shift from beer to wine by younger people. Once again, I am no expert.

**Mr. Nixon:** Beer is not going down.

**Hon. Mr. Davis:** No, but it has not had the same market growth. I cannot comment as to whether the ads themselves encourage young people to drink beer. I cannot make that judgement. I do know from the Attorney Gen-

eral's perspective, and certainly from mine as well, while we may feel there are some contradictions in allowing that kind of advertising and our very real concern about impaired driving, that concern is very genuine. I just want to assure the member of that.

When we look at the statistics, it is hard for me to understand why as a society we have not been more difficult with impaired driving situations. We have perhaps been too tolerant. I do not know whether that is the right word, because there are some accidents we cannot avoid; there are some things in life that are beyond our control. However, I think the capacity to deal with an issue of this nature is with us.

I would argue, Mr. Chairman, and the Attorney General has expressed this point of view, some of it can be done by way of legislation, no question; it is a question of amendments to the Criminal Code. But I think—and I may be wrong in this—we are still dealing with an attitudinal problem, if I can phrase it that way. Some people who are extremely reasonable in normal circumstances lose their sense of judgement after an antibiotic of two or three and get behind the wheel of a car. Many of them are quite decent people.

I do not pretend to have the total answer to this, but if the member is concerned as to whether this is a priority or a genuine concern of the government, I assure him it is. It may be that we should be saying more about it during the course of the year and not concentrating around the holiday season. I think that is a valid suggestion and one I will pursue.

I know the member read the task force report. We have some good people working on certain recommendations contained in that report. The former commissioner of the Ontario Provincial Police has become the executive director, or whatever the term is, to see that the recommendations there are moved ahead with. I think we can make some progress as a society. That does not mean there is any single or finite solution, but I want to assure the member I share his very genuine concern. I will not comment any further on how many of my family still seek advice. They never sought advice on this matter in any event, or not much.

**Mr. Kerrio:** Mr. Chairman, the Premier's comments caused me to reflect on his words, and I will speak a little bit about the energy situation, as it interests me.

At the outset, I make no apologies for being a private enterpriser and suggesting there are certain things that the government should not



be doing and that the private sector should be doing. At times I get carried away a little bit with that, and I excite my neighbours to the left beyond any kind of reason.

**Mr. McClellan:** You have mellowed. You have sold out.

**Mr. Nixon:** They want you to do it right now.

**Mr. McClellan:** You are not your old self any more.

**Mr. Kerrio:** Of course, it is obvious; it happens any time I mention that terrible word.

When I suggested that in all probability small hydraulic sites across the province should have been developed, I was suggesting not only that we could add something to the system that only private enterprise can do on that scale, not only that we would be able to tap those small sources, but also that we might help develop a whole industry relating to low-head small plants. Members know my colleague has been involved in such a plant on his own property.

I brought that same discussion into my concerns about nuclear reactors. When we were able to question some of the most learned people in America at the select committee regarding Ontario Hydro and the direction we were going in, I made some comments, because of my concern about the private sector and small companies in particular, that we in this party are certainly in favour of keeping abreast with the general community—the global community, if I could call it that—and that we would encourage the development of nuclear reactors. That does not mean to say we agree with the direction Ontario Hydro has gone with them.

For instance, I will draw a typical example. I come from a small business community which, the Premier will recall, has to take some credit for having made this province, and indeed all of Canada, what it is. I made the comment that maybe we should have been talking about—

**Hon. Mr. Davis:** Are you referring to the honeymoon industry or the power industry?

**Mr. Kerrio:** My construction industry.

**Hon. Mr. Davis:** Your construction industry? Now I know.

**Mr. Kerrio:** That is right.

I was suggesting at that time and in that forum with some of these learned people that we might have been well advised to go into what one might call smaller nuclear reactors. We would not be in competition with the huge powers, the United States, Germany or any of those powers, and we might develop a nuclear reactor that

would address two very distinctly Canadian problems.

One would be that we would not be stringing wires all over; we could have smaller reactors in various parts of the country. The other would be that we would be able to sell those to small countries similar to Canada which would put them in remote areas where they would not be interested in what I consider the Texas psychology, that "Bigger is better" sort of routine.

5:40 p.m.

But the second dimension, and a very important one, is when one builds a smaller reactor all of the steel plate sizes and all of the huge components are reduced in size, so instead of having one or two plants in all of Canada which can form eight-inch-thick or 10-inch-thick steel plates, if one were to go into that phase of building a small competitive nuclear reactor one would then have many small companies that could be competitive and build those kinds of reactors.

We felt Ontario Hydro, given to making its own determinations, its own decision-making may have gone off in the wrong direction. There were people who have had experience who might have added a dimension to Ontario Hydro's future. We may have encouraged them to do other things.

For one, as I have said to the Premier before we should have developed every last vestige of hydraulic power before we went to the other areas. We have not even talked about pricing. We are pricing hydro the way we did when we were selling it strictly as hydraulic power. This meant that any time one wanted to draw more power from a plant one let a little more water go through. This is not the case now. Now if one wants more power one has to put some more nuclear fuel bundles in, or more coal or oil; or bring it in from the United States, which we have had to do in recent times.

When I criticize Ontario Hydro's role it is because I think it has been let go too far, making too many of its own decisions. Had we had the Premier, as the number one person over there, talk to his Minister of Energy and describe the parameters within which Ontario Hydro would have to fit and say it may have had to compete a little bit with the private sector and may have had to go the route of not becoming involved on one hand with overbuilding and on the other hand conservation—which is a real contradiction; he would not have to get too excited about having people running the same store who have been wanting to sell and buy ads to sell power

and at the same time have a group which wants to save power. It just did not make any kind of sense.

So when we criticize Ontario Hydro, which is our role, it is because we think it has a position where it does not have any real competition, any direction; and it would appear that the Premier is content to let it go substantially on automatic pilot and do what it will without really acting in the best interests of the consumers of Ontario. There are many people out there with the kind of ideas that should be brought into focus.

It is time there were some people sitting on the board who are interested parties but do not have any tendencies to one political party. There should be a reconstituting of the select committee, because I think the Premier, and I say this as a person who participated, knows full well it served the people of Ontario extremely well.

I would hope the Premier would reconsider, that he would develop through his minister an energy policy, and through his other ministries consider letting Ontario Hydro answer to a forum which would cause it to be more responsible. As I said before, there is room for the private sector to participate. I do not think competition ever hurt anyone and I would like to see the Premier give Ontario Hydro a little competition. It would auger well for the people of Ontario.

**Mr. Laughren:** Mr. Speaker, more as a point of clarification, I wonder whether or not the member for Niagara Falls was indeed suggesting that we should have a cottage nuclear industry in Ontario. Is that the suggestion? I did not quite follow it.

**Mr. Kerrio:** Cottage?

**Mr. Laughren:** A cottage nuclear industry.

**Hon. Mr. Davis:** It doesn't mean a nuclear unit for every cottage, it means a small industry.

**Hon. Mr. Ashe:** It's like the wine industry in the Niagara Peninsula.

**Mr. Kerrio:** I am prepared to put it before the government.

**The Deputy Chairman:** The honourable member is—

Interjection.

**The Deputy Chairman:** No. The member is not putting forward any matter dealing with these estimates right now. Does any other honourable member have any comment or anything to discuss? Are we ready for the question?

**Mr. Nixon:** Mr. Chairman, it is not often we get the Premier just sitting there waiting to discuss any subject.

**Mr. McClellan:** This is a fine example of work expanding to fill the time.

**Mr. Nixon:** No, I do not think that. I think it is a good opportunity to bring to the attention of the head of government certain matters that we may hold as personal concerns.

I want to raise with the Premier a matter I brought to the attention of the Attorney General in question period and it has to do with organized crime. No doubt the Premier will recall being here in one of his early reincarnations and listening to the politics of organized crime wafting back and forth through these halls, which resulted in a royal commission chaired by Mr. Justice Roach. He found there was no organized crime in the province in those days.

Since that time we have a new Attorney General. He said to the House he had recognized eight years ago there was organized crime here. My question was predicated on the information in the media over the last few days that there have been five gangland murders within a week and five heroin overdoses within a month.

These murders, which we see being described on the front pages of the newspapers and hear about as the lead items in the news stories on radio and television, are of the kind that we normally associate with other jurisdictions, thank God. I wish we did not have to read about them anywhere. It is almost as if they were not happening to our community, where these people are taken out of their homes, shot and stuffed in a trunk or dumped smewhere in a field out to the west of Brampton.

We see these things happening on a daily basis. The suggestion came from the leader of the NDP that we have a royal commission. That might be a good answer. We might have to do that when we cannot think of anything else. We tried it once before and really it did not help very much; although we had a good royal commissioner and he reviewed the matter for many months; in fact, years.

A week or two ago I suggested that the Solicitor General (Mr. G. W. Taylor) might, however, call around himself a special advisory group of police officials and others who can take on, as a special responsibility, to stamp this thing out, or at least cool it out so that we are not going to be the innocent bystanders in a continuing gangland slaughter and war which really we do not understand. They talk about Mr.

Racco being shot because he had something to do with the murder of Mr. Volpe. If all these people know what is going on, why do our police not know what is going on? I do not find that an unhealthy question.

I found it extremely offensive that the Attorney General's only response was that we are always criticizing the police. He, on the other hand, has confidence in the police. This is not the first time his answers in this House or his responses to problems of this type have taken that particular bent. This is wholly unacceptable and probably accounts as much as anything else for the reputation the Attorney General has in some quarters for being somewhat less than fair, less than completely dedicated to responding to an important issue involving his responsibilities.

I would simply ask the Premier for his comments. While we sit back and watch this going on as if it had nothing to do with us, we must bear in mind that these people are slaughtering each other because of the heavy competition for the control of illegal practices in our own community: the sale of drugs, the business of high-interest usury, loan-sharking, prostitution and, if the Premier will forgive me, the operation of striptease individuals from Toronto but mostly from outside of our jurisdiction, which are operated in a way that is completely illegal and unacceptable in the community.

The government cannot sit back and wait for this war to fight its way out. The answer that "it is worse in other jurisdictions" is completely unacceptable and I think it ought to concern the head of the government. The whole thing should concern the head of the government and I believe the attitude of the Attorney General should concern the head of the government.

**Hon. Mr. Davis:** Mr. Chairman, I understand that a certain municipality with which I am familiar is passing a certain bylaw this evening—at least, it is going to be presented—dealing with the latter part of the member's observations.

**5:50 p.m.**

I was not here for the discussions this afternoon with the Attorney General. I recall vividly the initial discussion of a comprehensive nature in this House—I guess it was the initial one—on organized crime and what led up to Mr. Justice Roach's royal commission. I can recall the member's former leader speaking on the subject here in the House at some length and then going outside the House to deliver the same remarks. It was perhaps one of Mr. Greer's moments—

**Mr. Nixon:** It was a great day for democracy.

**Hon. Mr. Davis:** I am not sure it was a great day for Harold when it all finished. However, I am sure that is a bit personal on my part.

**Mr. Nixon:** Harold was completely justified.

**Hon. Mr. Davis:** That is not quite what Mr. Justice Roach said. Of course, it took Harold a while to claim responsibility for that speech, as I recall it. Mr. Chairman, you are too young to remember this. I think the honourable member and myself are probably the only two here in the House at the moment who recall those days.

**Mr. McClellan:** We read about it. We enjoyed it from the outside.

**Hon. Mr. Davis:** I have a feeling the member for Bellwoods never read about it. He does not have the foggiest idea what we are talking about.

**Mr. McClellan:** I do.

**Hon. Mr. Davis:** Does he remember that club on Highway 10 south of Cooksville? He does not remember that at all. I know his leader was not born, so I can assure the member he did not know of it either.

**Mr. McClellan:** I read about it in my grade 8 history class.

**Hon. Mr. Davis:** He read it in his grade 8 history class. To be serious, I think all of us share the concern. I am not going to suggest that we are more fortunate than a lot of other jurisdictions; we are, however to say we could be comfortable because we are much better off would not be appropriate.

I do, I assure the member, discuss this issue with the Attorney General. The member may not have been totally content with his observations but I agree with him. I have great confidence in the police forces of this province.

I do not say for a moment there are not things that could be done to improve the situation. I think the member for York South (Mr. Rae) suggested a royal commission. I guess, and I say this objectively, my only observation is that I am not sure a royal commission would give us many more insights or ways to deal with this situation. There is nothing partisan in that; there really is not. I genuinely question whether that would produce the results all of us would like to see.

Speaking in a personal sense, I think this is a matter of genuine concern not just for the government but for all of us. I will discuss it further with the Attorney General and with the Solicitor General. I can only assure the mem-



bers that—not from any specific knowledge of the circumstances whatsoever; I am not involved in that—I do have a sense that the police forces, including the municipal, not just the Metro and the Ontario Provincial Police, have an awareness and make a genuine effort. I think they have had some measure of success.

We always have to be vigilant in these matters. I am always open to any constructive

suggestions. However, I do say this, and I hope the member for York South will understand, at this stage I really question that a royal commission per se would help in that process.

Votes 201 and 301 agreed to.

On motion by Hon. Mr. Eaton, the committee of supply reported certain resolutions.

The House recessed at 5:54 p.m.

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No. 108

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# Hansard

## Official Report of Debates

### Legislative Assembly of Ontario

**Third Session, 32nd Parliament**  
Monday, December 12, 1983  
Evening Sitting

Speaker: Honourable John M. Turner  
Clerk: Roderick Lewis, QC

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# LEGISLATIVE ASSEMBLY OF ONTARIO

Monday, December 12, 1983

The House resumed at 8 p.m.

## POWERS OF ATTORNEY AMENDMENT ACT

Hon. Mr. Sterling moved, on behalf of Hon. Mr. McMurtry, second reading of Bill 132, An Act to amend the Powers of Attorney Act.

**Hon. Mr. Sterling:** Mr. Speaker, the Attorney General (Mr. McMurtry) asked me to carry Bill 132 and Bill 133 on his behalf this evening and I do that with a great deal of pleasure, as I have had considerable contact with the Alzheimer Society. It is perhaps through a little bit of lobbying on my part that these two acts come to the Legislature at this time.

I do believe the bill is a necessary amendment to the Powers of Attorney Act for all those who are afflicted with Alzheimer's disease. They will be able to plan for their future when they are still competent and allow a friend or, in most cases, a spouse to take over their affairs if they should become so incapacitated that they would have to end up in a psychiatric institution. These bills are meant to overcome that particular problem.

I do have one problem with one subsection and I can leave that particular subsection in or take it out at the will of the members of the Legislature. I ask them to comment on subsection 5a(2), which basically brings into effect full powers of attorney under these new rules. In other words, it grandfathers any powers of attorney that have been in effect since 1979, and it assumes that the associated clauses required under this new act are in the old Powers of Attorney Act. I have had brought to my attention a number of cases in which it is felt by some people they would prefer that particular section be taken out, but I leave that for some debate and ask the members to comment on it.

**Mr. Nixon:** What is the number of that section?

**Hon. Mr. Sterling:** I am referring to subsection 5a(2) under section 1 of this bill.

**Mr. Elston:** Mr. Speaker, I will address a few brief remarks on the bill. I think it is probably a good step forward, taken for the first time with respect to this particular sort of legisla-

tion to deal with the Powers of Attorney Act.

I have for some time practised locally and run into situations in which the family was deprived of carrying out the wishes of a parent or brother or sister basically because of the way the legislation was before. I know my friend the member for Windsor-Sandwich (Mr. Wrye) has more detailed remarks to make with respect to the involvement of his local Alzheimer's association. I think the minister will find members on this side are fully behind the government in its amendments here this evening.

It seems that this is probably a reflection of the fact that the public trustee is unable in some ways to meet the types of demands made by members of the public when a loved one loses the ability to act capably to manage his or her own affairs. Particularly when there is a progression involved in a disease like Alzheimer's, then it seems to me something has to be done in addition to this Powers of Attorney Act which will provide for the individual to appoint his or her own legal representative, even during the incapacity, to make the public trustee more amenable to the wishes of the family when this sort of problem arises.

I think this will help by eliminating the need for the public trustee to become involved at any stage in the management of these affairs so long as the person is able to say, "I do not want section 38 of the Mental Health Act to apply." I think that is a good step. But in cases where there is no appointment under a power of attorney or where there is no reference at all to the appointment of an attorney under the provisions of the Powers of Attorney Act, we still have the problem with the public trustee's office being able to come up with the type of administration that is sensitive and timely in dealing with the real problems that are associated with the loss of one's legal capacities.

I leave that particularly for the minister to consider as part of the policy as well so that we can deal specifically with this bill, which amends the Powers of Attorney Act to allow for the replacement of the public trustee, who may now be managing the affairs, or prevent the public trustee from automatically becoming involved. Perhaps the minister could look even further

into the operation of the public trustee's office so that it can become more attuned to the type of administration of people's estates that is provided by someone who is either a family friend or a family member.

With respect to the particular section, I will leave that for a couple of other members to raise a little bit later on and I will express only our intention to support the bill.

**Mr. Renwick:** Mr. Speaker, I rise on behalf of our caucus to say we will support Bill 132 and, of course, the companion Bill 133. Bill 132 amends the Powers of Attorney Act and Bill 133 amends the Mental Health Act.

Apart from the procedural difficulties that are always involved in these bills, we can see no problem with making the provision for an additional clause to be inserted in a power of attorney that would have the effect, subject always to the supervision of the court, of excluding the public trustee from the statutory committee ship that he would otherwise get when a person is admitted to a psychiatric facility.

It would be very much our wish in supporting the bills that the minister would consider the bills more as an interim provision because of some other problems that are not covered by this bill. I think all the members of the assembly who had an opportunity to attend the reception held by the Alzheimer Society recently in the assembly and had an opportunity to hear the representatives of that society speak to the various aspects of the social, economic and legal problems that arise when there is the onset in a family of a person suffering from Alzheimer's disease will have a very good appreciation of the kinds of problems we have to address. This is the first attempt, as I take it, by the government to address some of those legal problems.

**8:10 p.m.**

We must, however, be very clear in debating the bill today that this does not help, so far as I can tell, any person who at present has his estate under committee ship by the public trustee because of admission to a psychiatric facility. This bill just does not deal with that situation. There is no way under the provisions of this bill that the benefit of this bill will be extended to those persons. That is subject only to the limited operation of the subsection to which the minister referred. Perhaps I could come back to that in a few minutes.

That is the first group of people who are not assisted by this bill. I may say that the second

group are those persons who do not know about the provision in the bill and are not persons who consult lawyers about questions such as this and who, therefore, will find an ongoing incapacity but no power of attorney at all and will be subject to the automatic committee ship of the public trustee upon admission to that particular psychiatric facility.

It seems to me those two groups of persons require attention by the assembly. It is for that reason I would like to suggest to the ministry it very much consider this not as the end of the road but as the beginning of an exploration of a procedure that will solve the problem for those two other groups which are not going to have the benefit of this bill. I think it is possible to devise a method by which, where a person does not have a power of attorney and is admitted to a psychiatric facility, the public trustee becomes the committee of the estate of that person.

I think it is possible to devise an inexpensive, effective process by which an application could be made to the court by a close relative of the person who is suffering the incapacity, with the intervention and notice to the public trustee, to have a court decide whether in the circumstances of the family—that is, all the social, economic and legal aspects of the problem—it would be wise to treat the initial public trustee ship as an interim trustee ship, allow a hearing and, where the public trustee has no objection and the court in its discretion decides to do so, permit the administration of the estate of that person as if there were a power of attorney granted to the relative who makes the application to the court with notice to the public trustee.

There are always costs involved in these things, but surely in circumstances such as that it would be possible to devise an expeditious way of dealing with that problem. Otherwise, I am quite certain that with the best intention in the world, unless there is a power of attorney we are not going to touch the problem which in the nature of things is going to be a problem faced by any number of families simply because they are not in the habit of consulting lawyers and because they will not be aware of the existence of this remedial legislation which might have been of use to them.

As far as those who are at present under committee ship in the psychiatric facilities of the province are concerned, it would seem to me we could also use a somewhat similar inexpensive process by which, under a beneficial statute of this province, it would be possible for a near



relative of the person suffering the incapacity to adapt the process to which I have referred and make an application to the court, with notice to the public trustee, not in the face of the public trustee but again with the co-operation of the public trustee, to permit a near relative to provide for the administration of the estate in place of the public trustee.

Usually in all these circumstances we expect the court to have a supervisory function. It seems to me that with a little bit of wit and thought it would be possible to provide for the two groups of persons to which I have made reference.

A matter which is of some concern to me, and I did have a word with legislative counsel about it, is that while it is clear the public trustee can only be ousted from his committee ship on the production to the public trustee of a valid power of attorney containing the new provision, which will be in the power of attorney if we enact this particular bill, it is a little bit hazy as to whether or not there is an obligation on the public trustee to maintain a register of all such persons who are acting in his place, by virtue of this provision, as public trustee, as committee of the person who is incapacitated.

We must not be naive about the situation. There will be occasions where the public trustee is going to have to step back in, where he should have an obligation to step back in. We do not necessarily live in the world where the nearest relative or the closest next of kin over a long period of time is necessarily going to act in the best interests of the person who is incapacitated.

Therefore, when the public trustee, as we make provision here, has the authority to step back in by order of the court to resume the committee ship from which he has been excluded by the operation of the power of attorney, then it seems to me we should not just leave it to happenstance as to whether the public trustee takes that action or not, but that he should have a register available to him of all persons who are incapacitated and who have attorneys or agents acting for them under this extended power of attorney which will be granted if these bills pass.

I may also say, as an aside, there will be very few people who can understand the clause in the power of attorney. I think there is a lot of legal jargon involved in the clause. Indeed, it would take a lawyer to interpret it in any meaningful sense to the person who is asked to sign it, given the competency of the person at the time he executes the power of attorney.

It does seem to me to have an unnecessarily

jargonish ring to it. It states what the person is going to be asked to include in his power of attorney and then to sign. It states: "In accordance with the Powers of Attorney Act, I declare that, after due consideration, I am satisfied that the authority conferred on the attorney(s) named in this power of attorney is adequate to provide for the competent and effectual management of all my estate in case I should become a patient in a psychiatric facility and be certified as not competent to manage my estate under the Mental Health Act. I, therefore, direct that in that event the attorney(s) named in the power of attorney may retain this power of attorney for the management of my estate by complying with subsection 38(2) of the Mental Health Act and in that case the public trustee shall not become committee of my estate as would otherwise be the case under clauses 38(1)(a) and (b) of that act."

If a person should get a power of attorney and sign it, he would have some difficulty in understanding exactly what he was signing. I do believe there must be a shorter, more direct and simpler method of expressing the additional clause which will give effect to the intention of the bill.

**8:20 p.m.**

My colleague the leader of the New Democratic Party has already issued a release dealing with some of the incidents and the problems of the costs to the estate at the present time that are under administration by the public trustee as a result of the automatic committee ship imposed on the public trustee under the Mental Health Act.

It may be that the minister has seen those particular instances we have of confusion between the person who would think he had the right to continue the administration of the family's affairs and find that the public trustee is involved in them. I am not going to recite the instances, but they are certainly available and have been distributed, and they do illustrate some of the problems that are involved when the public trustee, in the exercise of his general authority, has to move in on these estates and assume their administration and the kind of awkward, difficult and, in many cases, unnecessary interpersonal problems that arise from day to day about how he is going to manage and administer the estates.

I noticed my friend the member for Huron-Bruce (Mr. Elston) neatly did not comment on the clause the minister referred to. I will have the temerity to do so. It seems to me the

proposed subsection 5a(2), which will be inserted in the Powers of Attorney Act, makes sense and is clear as far as I can understand it.

It states, "Where a power of attorney containing a provision referred to in section 5"—that is the nonrevocable power in an ordinary power of attorney—"is in effect on the day . . ." this act is proclaimed and comes into force, and if the person who has signed the power of attorney is incapacitated on January 1, 1984, then "the power of attorney shall be deemed to contain the provision" I have recently recited. I think that is a workable process. It helps to deal with a minor part of the class of omission to which I referred earlier in one of my examples.

I feel, and I am sure the ministry should feel, that we must treat this as simply an interim bill. Perhaps the minister could give a commitment to the representatives of the Alzheimer Society and others who are concerned and interested in the problem that this bill will be treated simply as an interim bill and that in the next session of this parliament we will try to devise a simple, expeditious, nonexpensive process by which, when persons become incapacitated and find the public trustee is appointed the committee by statute because there is no power of attorney, the nearest kin or the person having the close family interest in it could make the application with the public trustee to the court perhaps to have the benefit of the kind of provision we are making in this bill.

For the other group, as I know the minister understands, those persons who are currently under the trusteeship of the public trustee because they are now in psychiatric facilities, a similar easy, simple, inexpensive process could be worked out under the supervision of the court to permit next of kin or close relations dealing with the administration of the household as a household to have the opportunity to have the benefit of the clause contained in the bill.

With those comments, we will support the bill and urge the minister to consider the two suggestions we have made in the course of our remarks.

**Mr. Wrye:** Mr. Speaker, I rise to proffer my support for this legislation and to say that this is one of those pieces of legislation, Bill 132 and its companion piece Bill 133, An Act to amend the Mental Health Act, that gives one the thought that once in a while we make a little of progress around this place.

It was almost two years ago now that constituents from my riding and from throughout

Windsor came to my office, and with the burgeoning problem of Alzheimer's disease—not necessarily a burgeoning problem, but a problem that had been recognized and an organization that was beginning to take hold—they brought to my attention, as one of the most active organizations in the province along with the organization in Ottawa, the problems with the power of attorney and what happened to those powers when the individual was declared incompetent and put under public trusteeship.

After having researched this matter, I spent some time in the throne speech debate that followed putting on the record for the then Minister of Health and now Treasurer (Mr. Grossman), for the Attorney General and for the House in general my view that changes were needed and were long overdue; changes that would mean that this Legislature, those of us who govern this province in the broadest sense of the word, would not double the family tragedy that was befalling so many thousands of our citizens by having the individuals who had placed their faith in a family member through power of attorney later find, on admission to an institution, that the power of attorney would no longer be of any use.

I am very pleased to see that the government has followed up on a commitment the Attorney General made in May 1983, I believe, by bringing this legislation in now. I hope we can move it through the House most expeditiously.

I am particularly pleased by two aspects of this legislation. The first is subsection 5a(2), which contains a grandfather clause. My friend the member for Riverdale (Mr. Renwick) spoke on this, and I thought he put forward some very useful points in that we have gone only part of the way. We have not recognized the problem of those who are under public trusteeship where there was no power of attorney to start with. As well, we have not recognized those who might not establish power of attorney in the future—though I say, with respect for my friend the member for Riverdale, I suspect that, particularly with Alzheimer's, in view of the growth of the Alzheimer Society this will not be as great a problem in the future as perhaps it is at present.

The fact there is a clause that will allow those who have gone under public trusteeship who had a power of attorney to move back and will allow the person holding power of attorney, most notably and most usually a family member—either the spouse or another family member—to regain power of attorney, will set the minds of thousands of our citizens at ease, and I congrat-



ulate the government for coming forward with that.

8:30 p.m.

The other aspect, which I just want to touch on briefly, is this very difficult area that the government had always raised as a difficulty, which I think all of us recognized as a difficulty; that is, what to do in the case where the power of attorney could at some point be abused by those in whom it was vested. I note with some pleasure that section 2 of the legislation indicates the public trustee may regain his committee ship by court order only.

In other words, my suspicion is—and perhaps the minister will correct me if I am wrong—that the restoration or, indeed, the moving from power of attorney to public trusteeship, will be done only if it can be shown before the courts there has been an abuse of the power of attorney.

I think that is a commendable position which does protect the rights of those who become mentally incompetent, but at the same time, and perhaps more important, it protects in the first instance those who are the donors of the power of attorney, those who choose to give a spouse, a loved one, a member of the family, the power of attorney, by saying that only when there is provable negligence before the courts—I am not a lawyer and that may not be the correct phrase, but that is my reading of the legislation—can the matter be swung over to the public trustee.

I must say the constituents I have dealt with in this matter by and large recognize the public trustee as being well-meaning and, I suggest, reasonably competent in dealing with these affairs. However, the problem is that it ends up being a day-to-day and month-to-month existence. It has the frustration, which I think all of us can see as we deal with our own family affairs, of having a spouse or other members of a family never really knowing where the family's affairs are on a day-to-day, ongoing basis.

This change is certainly overdue. It will be welcomed by a large number of people; unfortunately by a growing number of people, because our knowledge of this very crippling illness called Alzheimer's disease is growing by such leaps and bounds. We are finding it is not only one of the great killer diseases in our society, but also that many people who were afflicted with illnesses we diagnosed otherwise are now being diagnosed in this way. In these cases, it will present peace of mind to those

families already suffering a real personal tragedy through the illness of a loved one.

Those who are involved in the Alzheimer Society—in my community, the president of the Alzheimer Society, Madeleine Honeyman, and others have urged this upon all of us as members of the Legislature, most recently when they met with us in May or June of this year—will be gratified by this change.

I am very pleased to give my support to the legislation when it comes up for second reading.

**Mr. McClellan:** Mr. Speaker, I am concerned that a number of problems identified by the Alzheimer Society and others are not being addressed by the bill. We appreciate the measures being taken in the legislation and, for obvious reasons, we will support the bill. However, I hope the minister will respond to the issues that are not addressed by the legislation in front of us tonight.

The Alzheimer Society has pointed out the problems that confront the families of Alzheimer victims which are being addressed in the legislation tonight; but it has also pointed out additional problems.

First, committee ship proceedings are costly, time-consuming and incredibly complex. It can take from a year to a year and a half for a family to apply for committee ship on behalf of an Alzheimer victim. In the meantime, the public trustee is in charge of assets which many families thought had been adequately provided for through joint bank accounts.

Most people are not aware of the legal niceties involved in these situations. To her horror, a wife will discover that if her husband becomes a victim of Alzheimer's disease, joint bank accounts—in which the entire family assets are tied up—are suddenly seized by the public trustee. All the savings of a lifetime of mutual work are taken over by an agent for the state, and the only recourse for people who are not grandfathered under Bill 132 and Bill 133 is to apply for committee ship.

This is a lengthy and time-consuming procedure. Surely it is not beyond the capacity of the government to come up with ways and means to make this a more simple and expeditious procedure which is not so burdensome to people who will not be covered by the provisions of Bill 132. Quite frankly, that is something we insist on from the government, that it come up with ways and means of making committee ship a relatively simple procedure that does not take a year and a half to achieve, during which time people discover their lifetime savings and assets



are no longer in their effective ownership and control.

Second, the Alzheimer Society has been asking that the public trustee have the flexibility to delay seizing a patient's assets in cases where the spouse or immediate family is proceeding with a committee application.

This seems to be a very sensible and reasonable proposition in cases in which an Alzheimer's victim and his or her family have been aware of the nature of the problem and have thought they had solved it by placing assets and accounts into joint ownership, only to discover that upon certification of incompetence under the Mental Health Act the public trustee is empowered in effect to seize the family assets, administer them and dole out a living allowance to the husband or wife who remains in the community.

This is an incredibly stressful and basically unjust situation; which I am sure the minister and the government recognize, but it is not being addressed in the legislation in front of us.

Third, the Alzheimer Society has asked that the office of the public trustee become more accountable to the patient's spouse or family. It is hard to believe the public trustee is not required to issue regular statements of his stewardship of the family assets or to provide any accounting whatsoever with respect to the way he is disposing of the family assets in his public trustee capacity.

We have cases of families that have asked for an accounting from the public trustee but have been denied. We have cases of families that have made requests for normal expenditures to cover clothing and other very basic necessities but have been rebuffed by the public trustee. I am not inclined to share on the record some of these cases but I can provide them to the minister. The problem exists, it is very real and it is being inflicted on families who had expected they had made appropriate provisions through the establishment of joint accounts, only to find the law requires something entirely different.

The law permits the expropriation of assets and resources and a quite arbitrary administration of these assets and resources without the kind of accountability that simple justice, and indeed decency and civility would require. I hope the ministry will take these problems into account as well.

The public trustee's office charges fees which quite frankly are exorbitant. We have cases that have been brought to our attention of fees in the vicinity of \$1,400 and \$1,500 being charged by the public trustee for the administration of

accounts and assets which families had anticipated they were responsible for administering and had made provision for.

**8:40 p.m.**

I have to say that this legislation at least begins to redress what can only be described as a kind of shocking intrusion on the part of the state into the business of ordinary individuals. I say this as one who has had a certain amount of experience being the next of kin to five members of my own family who are in their late 70s and early 80s.

This is a situation many people in our society will have to confront and most people will accept the responsibilities they are required to assume in a spirit of full responsibility out of the sense of love and obligation.

First, it is a condition of considerable stress and anxiety which people are being asked to assume, in addition to a position of enormous responsibility. One expects a measure of support from the state. One does not expect the kind of insensitive and arbitrary intrusion by the state which the present state of the law makes necessary.

The bill in front of us deals with a part of what can only be described as an intolerable and unwarranted intrusion into the business of family responsibility. It does not complete the task that must be completed. There are still areas of intrusion and still areas where the state is imposing an enormous degree of burden and stress on families. We are talking about the state stripping spouses, husbands or wives, of the responsibility for the administration of the family assets. The problem is that the bills in front of us do not have an adequate grandfather clause.

The many hundreds of people who have discovered, to their horror, that the state has taken charge of the administration of their assets, the many hundreds of people who are already in the position of being under the regime of the public trustee, are not adequately responded to by the legislation in front of us. I hope Bills 132 and 133 will deal with future cases if people are sufficiently aware to make provision to obtain power of attorney.

Again, what I am speaking to is the need for a grandfather provision which takes into account that not everybody has been to law school, not everybody is versed in the absurd intricacies of the law, not everybody knows that in order to protect themselves they need to obtain a power of attorney and not everybody knows that if they do not obtain a power of attorney they will be subject to an enormous intrusion into the

own financial affairs, they will be stripped of their rights to control their own assets. Those people who had not, in the past, made provisions for power of attorney will not have an adequate grandfather provision.

I do not understand why the ministry has not had the wit to come up with a grandfather provision that would cover the hundreds of people who have been unwillingly, and I must say quite arbitrarily, thrust under the power of the public trustee with no avenue of escape except to apply for committeehip.

**Mr. Ruston:** Quiet over there.

**Mr. Stokes:** Why does the Speaker not stop the member for Bellwoods (Mr. McClellan) from interrupting that private conversation?

**Mr. McClellan:** Maybe this is a subject that is of no interest to the members on the other side of the House. If they are bored, why do they not go out and have a cup of coffee or take a walk?

**The Deputy Speaker:** Order. I noticed the interruptions. If you proceed, I will do that job. That is my job.

**Mr. McClellan:** I would appreciate it if you would intervene on behalf of those who are interested in participating in the debate.

**The Deputy Speaker:** Just continue.

**Hon. Mr. Ashe:** What a pompous you-know-what.

**Mr. McClellan:** Do I know what?

Interjections.

**The Deputy Speaker:** Order. If the member would continue, please.

**Mr. McClellan:** We are constrained by the necessity of having a quorum. It seems to attract a number of people who have better things to do somewhere outside. I happen to think it is a serious issue and I think the minister agrees with me. I hope the minister, even if he has trouble hearing what I have to say, will have the decency to respond to some of the concerns that have been raised.

There are a number of problems that have not been solved by this legislation. There are many hundreds of families who have had their bank accounts seized by the public trustee by virtue of the fact that a husband or wife has become victim to Alzheimer's disease. They are not covered under this legislation and they have no redress under this legislation. We are asking the ministry to make some suggestions with respect to a more adequate grandfather provision.

We applaud the ministry for taking the initiatives that are set forward in Bills 132 and 133

but, with respect, we are waiting for the other shoe to drop. We do not know what will happen to those many families who have had the unfortunate tragedy of a husband or wife suffering from Alzheimer's disease who becomes incompetent under the Mental Health Act and has his or her assets placed arbitrarily under the regime of the public trustee.

We expect and we insist that the ministry should come forward, if not tonight in the very near future, with proposals that will establish some kind of grandfather provision and that will remedy this very basic injustice, which I am sure the minister understands is causing the most acute anguish and concern on the part of many hundreds of families.

**Hon. Mr. Sterling:** Mr. Speaker, first of all, I would like to thank the members for their support of this legislation. I do agree that all the answers are not included in both pieces of legislation. All the problems are not easy to resolve because we have a number of issues to protect when we are dealing with this matter.

I want to indicate to the member for Riverdale that perhaps he might follow in some of the footsteps I undertook in order to bring this piece of legislation the route I did. When I was Provincial Secretary for Justice for this government I went with Mr. McCann, who is the policy adviser on this matter for the Attorney General, and talked with the public trustee about amendment to the act in order to allow this to come to some kind of conclusion and to address the problem.

I might also add that in my capacity as vice-chairman of the legislation committee for cabinet it was at my insistence subsection 5a(2) went into the bill. It was not part of the original bill and it might be an indication to members some of the cabinet committees do change pieces of legislation as they proceed through the process. To clarify it for the member for Windsor-Sandwich, that clause basically grandfathers the powers of attorney that came into effect after the last amendment to the Powers of Attorney Act in 1979.

**8:50 p.m.**

The reason is that prior to that year and prior to that amendment there was no provision in the Powers of Attorney Act to state expressly that the power extended upon loss of capacity was as far as I thought the matter could be taken when a person had signed the old form of power of attorney which had some reference to legal capacity.

I therefore invite the member for Riverdale, and perhaps the member for Bellwoods would like to accompany him, to discuss the matter fully with the public trustee and perhaps make suggestions to the Attorney General. I do not feel this is a highly partisan kind of an issue. Therefore, I am sure the Attorney General would be most pleased to listen to their counsel as to further amendments they could suggest which would protect both of the interests.

I know I explored several avenues in terms of widening the scope for the next of kin to be involved with a power of attorney. This was basically the first step towards it.

I do want to disagree very much with the comments of the member for Bellwoods. I know that in some cases there might be some differences with the public trustee or the individual trust officer who might be dealing with an individual. However, in my view the public trustee in general has done a very adequate and outstanding job for the people of Ontario in the duties he is charged with under his legislation.

It is not an easy job all of the time, because one has various interests involved in trying to access the assets of somebody who is no longer competent to instruct. I would invite the member for Bellwoods to provide me with the details of those of his constituents who were not able to obtain an accounting. I will assure him the public trustee will provide an adequate accounting for the expenditure of any funds which are in his trust as long as those particular people requesting it have a right to that kind of information.

**Mr. McClellan:** There is no automatic statement of accounting.

**Hon. Mr. Sterling:** At the end of a trusteeship there has to be an accounting of the expenditure of the funds. If an incompetent is cured—

**Mr. McClellan:** Yes, at the end of trusteeship; after somebody dies.

**Hon. Mr. Sterling:** The trustee has to provide that to people who have a beneficial interest in the estate. It is not available to anybody on the street to have information about other people's business affairs.

**Mr. McClellan:** At the end of trusteeship; is that normal accounting procedure? The minister knows exactly what I am talking about and is trying to confuse it.

**The Deputy Speaker:** Gentlemen, we are on second reading. There is no provision for a back-and-forth discussion.

**Hon. Mr. Sterling:** If the member would provide me with details of the individual situations, I will be able to respond on a case-by-case basis.

The other matter which the member for Riverdale brought up was the matter of record. For the sake of his administration the public trustee will have to keep a record of patients whose estates are under power of attorney and will have to deal with being asked questions about that.

I sent a note to the member for Riverdale. It is a question of whether or not that record should be accessible to the public in general. It relates to the possibility of information as to the identity of the donor who had become mentally incapacitated. That would normally be kept confidential by psychiatric institutions, and there is concern as to whether or not a person could find out about somebody who was in an institution via the back door rather than the front door.

I have no further comments on the bill and thank the members for their support on the legislation. I am not going to move it into committee.

Motion agreed to.

Bill ordered for third reading.

#### MENTAL HEALTH AMENDMENT ACT

Hon. Mr. Sterling moved, on behalf of Hon. Mr. McMurtry, second reading of Bill 133, An Act to amend the Mental Health Act.

**Mr. Renwick:** Mr. Speaker, I want to take the opportunity to comment on Bill 133 as a companion bill to Bill 132 so that I will not be compelled to feel that we should put the bill into committee of the whole House.

I am quite prepared to do whatever I can, as is my colleague the member for Bellwoods (Mr. McClellan), from the point of view of making whatever suggestions need to be made to cover the two classes of people we are speaking about and also to deal with some of the other matters of concern to many members of the public with respect to the administration and costs of the public trustee's office.

I am surprised that the minister himself would not give the specific undertaking on his own initiative on behalf of the Attorney General (Mr. McMurtry). His parliamentary assistant is in the assembly this evening to say that, yes, this is a first step, and yes, between now and the next session of the Legislature we will devise a method by which we will deal with those two



classes of persons—those who are already under public trusteeship by virtue of the operation of the Mental Health Act; at the present time in psychiatric facilities, whether as a result of Alzheimer's disease or other reasons—and work out a process which, in a family situation and where the concept of the family is so very important, will provide an expeditious method under proper court supervision to make certain a member of the family can act as if there had been a power of attorney.

Second, the area which my friend the member for Windsor-Sandwich (Mr. Wrye) does not necessarily think is a problem, I happen to think is a problem; the whole question of the point in time when competency comes into question. Knowledge of the Powers of Attorney Act and this amendment before a person becomes incapacitated may be true with a large number of people but an equally large number of people will not be aware of the intricacies of the law of powers of attorney or what the process may be.

I would hope that the minister, having himself spoken of his interest in this and what he was able to persuade his cabinet colleagues to do with respect to the grandfathering clause, which is a portion of the previous bill, I wish he would be forthright about it and say yes, maybe he would come with the member for Bellwoods and me when we go to see the public trustee and maybe he would join with us, along with the member from the Liberal Party, in making some written submissions to the Attorney General.

Nobody is trying to get any credit for this. All we are trying to do is make certain that the assembly faces up to a very serious family problem with social, economic and legal implications, with which this bill only deals in part. I hope the minister will be person enough to stand up and give us the undertaking that yes, he will pursue the kinds of suggestions which have been made in the course of this debate.

9 p.m.

**Mr. McClellan:** Mr. Speaker, I am just going to take a moment. I am not sure I appreciated the nature of the response of the minister who is carrying the bill. Let us clearly understand what we are talking about. A spouse who has a joint bank account with her husband and who has provided for the expenses of the husband, who is suffering from Alzheimer's disease for example, will find that if her husband, because of the progression of the disease, is declared incompetent under the Mental Health Act, having entered a psychiatric facility, the wife will find that the joint bank account and the control of all

family assets and income have been seized by the public trustee and are being administered by the state.

Talk about the power of the state to intrude into the life of the family; that is about the whole banana. The bill we have in front of us deals with part of the problem. If the family have had the foresight, the expertise and the knowledge to apply in advance for power of attorney, then they will be protected by Bills 132 and 133. If they do not happen to know there is such a thing as the power of attorney, then they will not be provided for, they will not be covered and they will not fall under the ambit of the protection of the bill.

If they have already had the experience of having a loved one committed to a psychiatric facility and found to be incompetent because of Alzheimer's or some other disease, they will not be covered by the ambit of the bills that are in front of us. So there are still many hundreds and thousands of families that are not protected by the bills that are in front of us.

That is the first problem. How is the government going to come up with measures that cover everybody, not just those who have the advantage of knowing that there is such a thing as power of attorney, such a thing as applying for committeehip, such a thing as Bill 132 and Bill 133? There are no provisions in the bill that make it easy for people, who have not done any planning in advance to make these kinds of legal arrangements, to get the kind of protection they need.

The second problem is that the usual response of the government, when one points out problems around the exercise of rather awesome powers on the part of the state, is to say: "You are criticizing the trustee. You are casting aspersions on the character of the public trustee. You are insulting the public trustee." We have had this for the last nine years. Every time we bring a problem forward, we are somehow insulting the integrity of the people who are administering the office. That is a neat dodge, but it does not get to the problem, and I am sure the minister knows better than to make that suggestion.

We are raising legitimate problems which have nothing to do with anybody's personal integrity. When we give the state severe and rather awesome powers with respect to the family, it is the responsibility of the government and the opposition in this assembly to make sure that abuses do not take place, even if they take place inadvertently.

We have cases that have been brought to our attention of families that have been hassled—there is no other way to put it—families that have been accustomed to administering the family assets under a joint account arrangement having had those powers taken away by the public trustee, being refused information with respect to the amount of assets in the account, being told they cannot purchase clothing items on behalf of their relatives without the express permission of the public trustee and being denied accounting on a normal basis.

When I deposit my assets in a bank, I get a statement every month. This may come as a big shock to the minister, but I get a statement every month with respect to how the bank is handling my assets. I do not have to wait until I am dead and buried before the bank sends me a statement of account; I get it every month. Maybe the minister does not get it every month, but I do.

I do not think it is an unreasonable request that the public trustee provide the same businesslike arrangement to families of people who are being trusteeed. I do not see this as an outrageous suggestion. Perhaps the government somehow sees it as a threat to its longevity. Why do they do that when somebody raises a simple problem like this that happens to be real?

The public trustee does not send the spouse or family a statement of the patient's account on a regular basis. He sends an account only to the estate. That is stupid, stupid, stupid. The minister should not magnify that into some great big issue that has to do with the integrity of his government's administration over the last 40 years or the integrity of the public trustee. It is simply a problem that needs to be dealt with.

It is a very simple problem to be simply dealt with. He should accept it simply as something that is being conveyed to him to be shared and to be solved. It is not an indictment of the minister or the public trustee. It is not an indictment of 40 years of Tory rule. It is just something that happens in this province that should not happen.

My colleague the member for Riverdale (Mr. Renwick) and I are quite willing to accept the invitation of our friend who is carrying this bill to pursue these matters with himself, the minister, the trustee and with anybody who wants to discuss them. We look forward to doing that.

**Hon. Mr. Sterling:** Mr. Speaker, I thank the members opposite for their support of the bill. In terms of commitment by myself and the government, we will always continue to look at

bettering this kind of legislation as we have done I guess on a couple of occasions since I have been in this Legislature when it had not often been amended prior to that time.

The member for Bellwoods (Mr. McClellan) again raises the issue in terms of dealing in a more simplistic way with people who have become incapacitated through mental illness.

**Mr. McClellan:** I prefer the adjective simple, not simplistic.

**Hon. Mr. Sterling:** I know everything is simple until we start to talk about conflict perhaps between various members of a family or outside a family as to their access to assets. That is what the Mental Incompetency Act is all about.

I do not pretend to think the Mental Incompetency Act as it is now legislated is the be-all and the end-all, but it is in place to protect the interests of the mentally infirm person and to make certain his assets will be protected while he is incapacitated. Therefore, somebody wanting to gain control of his assets has to prove to a court that he is competent and will answer to that court for what he might or might not do with those assets. That is what the Mental Incompetency Act is all about.

I am only willing to say I will urge the Attorney General and this government to continue trying to address the problem with regard to making the process better in the administration end and better in the legal end if it can be made more simple.

Motion agreed to.

Bill ordered for third reading.

## REGIONAL MUNICIPALITIES AMENDMENT ACT

Mr. Rotenberg moved, on behalf of Hon. Mr. Bennett, second reading of Bill 119, An Act to amend certain Acts respecting Regional Municipalities.

9:10 p.m.

**Mr. Rotenberg:** Mr. Speaker, this legislation will transfer responsibility for public health in the regions of Durham, Hamilton-Wentworth and Peel from regional boards of health to regional councils. This takes advantage of the role regional councils can play in strengthening the accountability for and co-ordination of local public services.

The bill will also allow the region of Halton to delegate to the area municipalities within that region the power to promote the area municipality as an industrial, agricultural, educational,



residential or vacation centre. This has been requested by the region.

A number of changes are also being made to the Regional Municipality of Sudbury Act. This region will be empowered to delegate certain planning powers to the area municipalities, its power over site planning control will be restored, and the region's authority to relegate signs will be expanded, again at the request of the region.

In addition, a number of minor changes are proposed for all regional acts similar to those changes that were made in the Municipal Act earlier this year.

I will be asking that this bill be sent to committee of the whole this evening in order to move three amendments to the bill. I would indicate I have discussed these amendments with the critics opposite earlier today.

In response to the requests from the regions, I would propose that both the regions of Niagara and Haldimand-Norfolk be made directly responsible for public health in the same manner as the bills now provide for Durham, Peel and Hamilton-Wentworth. Similarly, I would move that the region of Durham be enabled to delegate responsibility for promotion to its area municipalities in the same fashion as the bill now provides for the region of Halton.

The reason these amendments are here is that when the bill was first written those three regions had not yet indicated they wanted this power. Their request has come in since first reading of the bill. We would ask the indulgence of the House to add these to the bill.

With those remarks, I commend the bill to the House.

**Mr. Nixon:** Mr. Speaker, we intend to support the bill, although I do want to say a few words about some of its provisions.

I have the feeling this yearly series of amendments to the 10 regional governments is a bit of a fiasco. It is almost like a series of private bills brought together. The member speaking for the minister has indicated that it is, in most cases, in response to the requests of the region. They move the boards of health in and out of various jurisdictions and they move planning responsibilities to the lower tier and back up to the top tier, and so on.

Then, normally, we get another bill to do the same sort of amending to the restructured county of Oxford because they are trying to maintain the fiction that Oxford has not been regionalized, even though they removed most of its lower-tier municipalities back in the days

when Darcy McKeough was offering his gentle ministrations to the municipalities.

I am sure you are aware, Mr. Speaker, that over the last couple of years most of these regions have built open, elaborate new regional headquarters at great public expense. In most instances, the old but serviceable buildings of the various municipalities that were forced under the whip of the government majority to go into regional government have been taken over by the province under some sort of deal whereby the local region does not lose any money.

It is the generous taxpayers of the province who are assisting in making work this regional government experiment—which is something past that stage now and is well established now that the Conservative majority is re-established—no matter what the cost, no matter what the dislocation.

It is certainly my experience, in speaking for my constituents, that the regional governments are not the success the people opposite seem to wish they were. They are overlarge, overexpensive, remote and insensitive. They have the same problems as the government of Ontario has because it is necessary for them to hire masses of public servants, nameless and faceless bureaucrats who administer policies usually initiated by themselves but in the name of elected officials.

I do not intend to renew all of the debate on regional government, but I feel I would not be performing my duty if I did not tell you, Mr. Speaker, that those policies entered into a decade ago have not been successful. The only smart thing the government did was announce before 1975 that there would be no more regional government. That was written in blood and several crosses were kissed so the people in the areas that were hoping not to be regionalized might not reject the Tories.

**Hon. Mr. McCague:** What about the OPP? The member does not like spending on the OPP.

**Mr. Nixon:** That was in Orangeville. That was the way they did it.

Under these circumstances, the government is moving once again in some of these regions to make regional planning responsibilities a lower-tier area of concern. In the instance of health services, they are moving in the other direction, taking them away from a more or less autonomous board and putting them in the hands of the regional council.

I want to express a minor concern in that regard because many of the boards of health are



experiencing a certain amount of dislocation—I do not think I should call it difficulty—in establishing birth control clinics and family planning education in the school system, because of the natural objections that will certainly come from individuals in an area for moral reasons and because they feel the application of this sort of training in the schools is not appropriate.

If one is in favour of this sort of progressive development in most of our modern communities, it seems to me it is going to be even more difficult to move in that direction if the directly elected regional council has the responsibility. I do not want to be misunderstood. I would be the last to say I would object to all the democratic pressures there are, whether I like them or not, being brought to bear on the elected members. They have to cope with them and make their decisions as they see best and as they find best for their own communities.

I wanted to mention this might delay some of the progressive changes that have been brought forward by the boards of health which have been working quite effectively in most of these areas.

I notice also that one of the more general amendments permits bylaws to be bilingual, or bilingue as we say in South Dumfries. That is, of course, acceptable and part of the policy of the government to improve French services without ever for a moment suggesting that the provisions of the Constitution should apply. The government likes to give these favours in a way whereby they could be removed, if it ever wanted to, rather than give them as a right. This is something we have seen developing over the years in this area and others, and I just wanted to take note of it.

This is a collection of amendments, none of which we are objecting to. I believe the minister has indicated he wants some amendments that would include three of the regional areas which had not made a decision at the time of the printing of the bill. We would support that at the committee stage as well.

**Mr. Breagh:** Mr. Speaker, this is an annual event which is a bit difficult to explain to people who are not familiar with the way this province is run and the way this Legislature puts together bills such as Bill 119. It is an awkward process.

We intend to support the bill this year. In previous years we have opposed the bill on second reading when this approach was taken because there was, and there is on this bill, a great deal of confusion. We support most of

what the government is trying to do in here, however. In the spirit of Christmas, we will give it support on second reading.

I want to point out in passing that we encountered some difficulty with the bill in this form, not really in trying to get the opinions of various regional councils around Ontario that are affected by this act, but simply in trying to identify what the act was.

The process was once described to me as relatively straightforward. A municipality out there will ask for a change in the regional act, it will take it to the regional council and the council will say yes or no. That brings the process to Queen's Park where eventually, once a year, a kind of compendium act is put together to deal with amendments for all the regions.

The difficulty is that when one goes back to the various regions contained in this bill and asks whether that is what they asked for and whether that is what they want, they do not know because they have not seen the act. For many of them, they think they asked for it but it was so long ago they really cannot remember because, apparently, there is not a great deal of communication back and forth between the ministry and at least the regional council.

**9:20 p.m.**

I suggest to the minister one of the things he might try to do in subsequent years is to identify the tracking of these motions back and forth better than he does. It is awkward for members in my caucus, and I imagine all members, to phone their regional headquarters and say: "We have a bill before the Legislature which deals with the region of Durham, Sudbury or wherever. I would like to know whether that is really what you asked for. Are you happy with the bill in that form? Should we be suggesting some changes?" The first observation from the regional municipality is: "We do not know. We have not seen it." So we had to send members scurrying out with copies of the legislation. It seems to me we ought to be able to follow this system through.

As one instance of an area where some confusion arose, there was—in my view, anyway—no difficulty at any level with the idea that the region of Durham ought to be able to do something that is being proposed for the region of Halton in this very act; that is, to get the local municipalities involved in industrial development once again. They have tried for a long time—about a decade now, I guess—while regional government has been there; they have

tried it the other way and have encountered some difficulty.

After a decade of trying it one way, they have decided to try a relatively simple notion, that it might be better if the regional council were able to delegate that responsibility to the city of Oshawa. Oshawa wants that; the region of Durham wants it. But somewhere in there the region of Durham did not communicate its wishes in the form prescribed by the minister, even though the Minister of Municipal Affairs and Housing (Mr. Bennett) was on various little junkets into Oshawa on something called a task force. I am not very familiar with it, but I understand that a couple of local members and a couple of ministers roll into town, set up shop at the Holiday Inn and meet with the chamber of commerce and groups like that.

The chamber happened to ask him, as a matter of fact, on this occasion, "Whatever happened to the idea that Oshawa could have its own industrial promotion facility?" The minister said, "Didn't we do that?" They said: "No, you did not. We asked you for it, but you didn't do it." It is odd, because when I went to the parliamentary assistant and reminded him that it was not in this act, that it was in here for Halton but not for Durham, his response was identical. He said, "Didn't we do that?"

I think somewhere in here there is a cog missing. It is true that this is a complicated business. There is a simple process at work here, yet the end result is a very complicated piece of legislation. Quite frankly, it is understandable from my point of view that a parliamentary assistant or even a minister is going to have a difficult time remembering all the amendments to all the municipal and regional acts in Ontario. They may recall speaking with someone from a council or the mayor of a municipality who has put forward a request like that, and sometimes ministers get the funny idea in their heads that having discussed the problem on one occasion and perhaps even having gone so far as to make a decision to do something, it actually gets done. Of course, we have seen of late that whether or not something gets done has nothing to do with that; it has to do with whether staff make it happen, and in this instance they did not.

We are happy to support Bill 119 on second reading. We are going to go even further than that. On other occasions I recall members posing amendments that the chair ruled out of order because they were not printed in the bill. We got into the interesting argument in here about whether, if they opened the Regional

Municipality of Durham Act, one could put an amendment to it. I seem to recall a few difficulties with that before.

But I am sure we will have unanimous consent this evening to the three amendments that were posed to me this afternoon by the parliamentary assistant, because they happen to be matters I discussed about a week ago when I suggested we were getting some feedback from area municipalities that there were some adjustments that should have been made in the bill but were not there. I suggested those were three areas where, in our canvassing of the region, we had picked up that something was missing; regions had made requests or had become aware of changes for other regions and thought they should apply to them.

I particularly pointed out that the region of Durham situation was an example of that; so I was quite prepared to move an amendment to see whether we could actually get it accomplished. I believe they have been pursuing that for about two years, and I am happy to see the government took the suggestion of the city of Oshawa, the region of Durham and me and put forward an amendment this afternoon.

As I say, we are going to support the bill on second reading. We will be happy to support the amendments that were put in front of me this afternoon by the parliamentary assistant. We are going to go one step further because I think there is one other area the minister missed. In Hamilton-Wentworth there has been discussion for a long time about the direct election of a regional chairman.

It has been my contention, notwithstanding what everyone sees as being totally terrible problems around the direct election of regional chairmen, that we should do that. My colleague the member for Lake Nipigon (Mr. Stokes), for example, represents an area that is a rather large chunk of geography. We manage to get direct election to work there. It has worked very well in that particular instance for some period of time now. We are able to do that in a number of instances around Ontario, federally and provincially.

The matter of direct election of chairmen has been debated for a long time. Shall we use the polite term and say there are variations on the theme at work around Ontario? In some places the chairman of the region is appointed by the government for a period of time. I do not think that system is appropriate in a democracy at all, but it has happened and we have lived through it.



In some areas of Ontario, the council elects the chairman, which is a rather unique system because in some places whoever is going to be elected chairman must be part of the council. Being elected chairman causes a by-election to occur; so it is a little fancier system.

Frankly, I think it is time to try the form of direct election of a regional chairman in one of the regions. Hamilton-Wentworth seems to be an ideal place to start. The council of the city of Hamilton and the region of Hamilton-Wentworth have both passed motions, debated at great length, agreeing that is a good place to try direct election of a regional chairman.

Later this evening, when we go into committee of the whole House, the member for Hamilton Mountain (Mr. Charlton) will put forward an amendment which I am sure just slipped the government's mind or dropped out of the system somewhere.

In response to what the government has always said are regional municipalities with a great deal of autonomy, full of properly elected, mature, wise, eminent people who have discussed motions formally and openly in public meetings and who have passed those motions, I am sure it would not now say they are so immature, so unwise, so unable to make a decision of that nature that it will not even give it a try.

This is a little different from the usual speech I give on regional bills. Tonight I am prepared to say we are going to support the bill in principle on second reading. We are going to support the amendments the government puts forward in committee of the whole House. We are going to give the government an opportunity to correct what I am sure is an oversight in one of the regions. We are happy to support in principle the amendments that are here. We will help the government do one more nice thing at Christmas for the region of Hamilton-Wentworth.

**Mr. G. I. Miller:** Mr. Speaker, it is a pleasure for me to rise and participate in the debate on Bill 119, which affects my riding of Haldimand-Norfolk and that of my colleague the member for Brant-Oxford-Norfolk (Mr. Nixon), who has made some points he is concerned about on the workings of regional government.

We did have input from the local council, and the regional chairman indicated there was a missing link in Bill 119. As far as the municipality of Haldimand-Norfolk is concerned, they wanted the added responsibilities of taking over the health council. I am pleased to note the Minister of Municipal Affairs and Housing accepted that

amendment, and we will be supporting it. It is one step forward in providing more autonomy at the local level.

If regional government had only done what the government indicated when they brought it in, if it had been more efficient, more accessible to the local taxpayers and cost less, it would have been accepted a lot more easily; but, as we all know, that was not to be the case.

As I recall, the municipality of the man who designed regional government, Darcy McKeough, still does not have regional government. That is a good indication that the selling points at that time never came about. It has cost the local taxpayers more money. It has removed the possibility of even participating at the local level in municipal politics because of the time and restrictions that have come about. The responsibilities have increased considerably and consequently many people cannot participate because of the time factor.

However, we appreciate the fact this has been implemented in Bill 119 and we will be supporting it when it comes to that time.

**9:30 p.m.**

**Mr. Swart:** Mr. Speaker, this affects the regional municipality of Niagara and the existing health units there. I rise, as others have done, to support the bill that is before us, which provides for the region to take over the operation of health units. I do this because I think it gives a greater degree of accountability and because it will mean the health units' operation will be less of a handmaiden of the Ontario government.

A number of years ago the Ministry of Health made very substantial changes in the way health units were operated. In our area I have to say the government appointees, even though they belonged to the same political party, did stand up to the Ontario government and criticized it very strongly for making changes whereby the tests that were taken locally had to be taken to Hamilton and so on, but that has not been the pattern generally.

Generally, those who are appointees of the government feel a responsibility to defend the government. With this change, there will be some greater degree of autonomy and those who are operating the health systems will be operating them more independently and not having to look over their shoulders to see whether they are carrying out what the Ontario government wants them to do.

As the member for Oshawa (Mr. Breaugh) said, the principle could be extended a bit



further, and not only to the election of regional chairmen. If the principle is sound here that local people should run health units, which provide rather an important service, it seems to me we could have moved to give a little bit more local authority on the matter of police commissions so that as members of police commissions there would be a majority of locally elected people and, given that, a greater degree of accountability. However, because this is one move in the right direction for whatever reason, along with the rest of my colleagues I will be supporting this bill.

**Mr. Rotenberg:** Mr. Speaker, I would like to thank the members opposite for their co-operation. This is basically municipal legislation. In most of it there is no political point of view from any party.

The member for Brant-Oxford-Norfolk has raised the problem of the form of the bill, and I concede there is a problem. He is correct in a way, that this is a series of private acts. The alternative we have is to include these in the Municipal Act with cross-references, without all these powers appearing in the various regional acts.

There is a feeling among those who practise law and politics in the regions that the powers of the regions should be all in one place. It is for this reason that we amend each regional act to indicate the powers of each region in its own act rather than have them go back to the Municipal Act, where some parts of the Municipal Act would apply and some would not apply. We feel that neither way is the perfect solution, but this is probably the better solution.

As far as the member for Oshawa is concerned, we do our best to communicate with all the councils, but not necessarily with every individual member of council. Sometimes we do err, but we err on the side of caution. Before we amend regional acts on things such as the health units, which are optional, we want to make sure not only that members of the regional council are in favour of it but also that the regional council itself, by resolution, and the area councils have seen and agree with the exact proposal.

Sometimes this takes more time than people would like; sometimes it takes more time than I would like. As I say, we would rather err on the side of caution and make sure the regions understand what we are doing for them, and maybe to them, and are content with the legislation rather than put something through the legislation and find out a week later that Oshawa city council or Durham region is saying:

"Wait a minute. That is not what we want. Go back and repeal it and make a change."

As I say, we are small-c conservative in putting through legislation to make sure the various regions and the constituent municipalities of a region do concur in the legislation put forward to them.

The final request from Durham really did come through, I say with respect to the member of Oshawa. Although the region had talked about it, we did not get a firm request till after we had finalized the bill, and we are quite happy to include it in the bill at the request of the region of Durham.

With those remarks, I commend the bill to the House. As I have indicated, I will ask that this to go to the committee of the whole House.

Motion agreed to.

Bill ordered for committee of the whole House.

#### MUNICIPAL PRIVATE ACTS REPEAL ACT

Mr. Rotenberg moved, on behalf of Hon. Mr. Bennett, second reading of Bill 120, An Act to repeal certain Private Acts related to Municipalities.

**Mr. Rotenberg:** Mr. Speaker, the purpose of this bill is to repeal a very large number of private acts obtained by municipalities since 1867.

For the information of the House, the compendium includes an index which briefly describes the content of each act to be repealed. This will enable individual members to identify easily those items in the bill which are of particular interest to them and their constituents.

I believe this legislation is a very constructive exercise. It tries to clear the statute books of legislation that no longer serves a useful purpose. It is also an excellent example of co-operation between the Ministry of Municipal Affairs and Housing and the municipalities of Ontario.

This project has been made possible by the publication in the 1980 Revised Statutes of Ontario of a table listing all private statutes enacted since Confederation. Naturally enough, a great many changes in municipal boundaries, names and statutes have taken place since then and staff of our ministry had to spend a considerable amount of time in tying every municipal private act to an existing municipality.

When that step was completed, the Minister of Municipal Affairs and Housing wrote on

October 1, 1982, to every one of the approximately 550 municipalities which had obtained at least one private act over the years. In the letter, he asked each council to review all of its private legislation and to let him know whether some or all of those acts could now be repealed.

There was an excellent response to that letter. Staff members of the ministry reviewed every response in co-operation with the office of the legislative counsel to ensure that the repeal of individual acts would not create future problems. Where there was a potential difficulty, the issue was discussed with the municipality and where doubt still remained, the act was left out of the schedule of acts to be repealed. Moreover, where an act related to more than one municipality, it was left out of the schedule until the other affected municipalities indicated their support of the repeal.

The point I wish to emphasize is that there is not a single private act in the schedule of bills to be repealed which has not been requested for inclusion by the municipality or municipalities to which the act applies.

I would like to take this opportunity to publicly thank councils and staff of the municipalities for making this bill possible. I would also like to give advance notice to the members that with the continued co-operation of the municipalities, the ministry hopes to introduce a second bill in 1984 to repeal another lengthy list of obsolete private acts.

**Mr. Nixon:** Mr. Speaker, the government is making a valiant attempt to clean up its act, to clean up its law books, and I am glad to confirm that, having checked each of these references, we will not be losing anything by repealing them.

I noted that the earliest was 1870, although the spokesman for the Minister of Municipal Affairs and Housing has said that maybe there is something a year earlier than that. The latest is 1978, I believe; so we have been mixing things up and having the names becoming redundant right up until a very short time ago.

**9:40 p.m.**

I was interested to hear the member for Wilson Heights (Mr. Rotenberg) indicated that ministry staff went carefully over the statute books to determine the list of the bills that might be eligible for repeal. I was wondering whether they had to get legal counsel or some outside consultant to do that.

I know that the standing committee on regulations and other statutory instruments has a

legal consultant who does similar work, going over all of our regulations that are passed by the various ministers. Mr. Speaker, you will be glad to know we get his services for \$85 an hour, but the committee has wisely restricted him to 10 hours a day; so it is not completely out of control.

I have a feeling the spokesmen for the ministry, if they have not retained special experts to do this, probably have assigned many of the staff to winnow through the law books and find all these redundant references and amendments. I am not so sure it is even worth cleaning them up. After all, they have been floating along and making the law books very impressive as they sit gathering dust on the shelves of so many offices. They will be that much slimmer now that we have repealed these sections. We will have to work that much harder to make them up with all the good stuff we pass from day to day so there is no chance that the book binderies are going to fall into any kind of depression because of our actions here tonight.

**Mr. Breauch:** Mr. Speaker, we will be pleased to support this bill. We think that what has been proposed here is a sensible exercise. Clearing the books of private acts that have not been functioning for some time seems to us to be a sensible bookkeeping matter for the government and we approve of the technique it is using to do that. However, I want to make a couple of remarks on the way through.

In reviewing the bills, one thing that came home to me was how consistently and regularly municipal governments in Ontario have moved to provide assistance to the private sector. I am not saying that in all cases they nationalized local industry, but in some cases they did. In some cases, particularly around railways, telephone services and those things that might have looked good some 40 or 50 years, they might not look so good today; I am thinking of cases where they gave up, for example, their municipal telephone systems.

It is an interesting exercise to go through, because one finds that some municipality at some time has moved to provide aid for just about anything one cares to think of. The ways of doing so are quite unique. It would be useful to put on the record here this evening what some of the municipalities have done and the techniques they have used to move into the private sector when the private sector needed help. I am really building the argument that Ontario has been socialistic in nature for some

time and it is getting ready for the next logical step.

For example, the town of Durham in 1904 passed a bylaw making a loan and granting partial exemption from taxation to the Durham Manufacturing Co. They were quite busy that year, because they did another one in 1905, giving a bonus to the Durham Furniture Co. and issuing debentures therefor. In 1910, they guaranteed debentures of the McCowan Milling Co.

I will just cite a couple of other examples here. The town of Harriston in 1900 passed a bylaw granting aid to the Harriston Pork Packing Co. and exempting the company from taxation. In 1925, they confirmed a bylaw ratifying an agreement with the Harriston Stove Co. Ltd. The town of Niagara in 1910 confirmed a bylaw fixing the assessment of the Queen Royal Hotel for 10 years.

It makes interesting reading as one goes through here and finds that municipalities in Ontario have been involved in a variety of ways in assisting the private sector, through exemption of taxes, through giving loans and through writing debentures for just about everything from wood stoves to caskets.

It is not included in this act, but I was informed by one of my more senior constituents that at one time the city of Oshawa did exactly the same thing; by a private act it provided somewhere in the neighbourhood of \$30,000 which saved General Motors, which was then known as the McLaughlin Motor Co., in Oshawa. I am not sure what kind of equity the city of Oshawa got out of that at that time, but if it had a rescue operation under way and sank \$30,000 into the forerunner of General Motors of Canada it would be a nifty piece of business these days if we had that percentage of the shares of General Motors.

On the way through, it is interesting reading to follow the acts that are being repealed here tonight. It is an interesting exercise to see that even the government of Ontario, every once in a while, searches around to clear up the record. We think this is a supportable notion and we will support it on second reading.

Motion agreed to.

Bill ordered for third reading.

House in committee of the whole.

## REGIONAL MUNICIPALITIES AMENDMENT ACT

Consideration of Bill 119, An Act to amend

certain Acts respecting Regional Municipalities.

Sections 1 to 5, inclusive, agreed to.

On section 6:

**Mr. Rotenberg:** Mr. Chairman, I have an amendment to section 6 which deals with the regional delegates' powers of promotion. Because this is "new matters," which is not on the bill, before I introduce the bill I think I will require the unanimous consent of the House to place this amendment.

**The Acting Chairman (Mr. Robinson):** Is there unanimous consent in the House to place the amendment proposed to section 6?

Agreed to.

**The Acting Chairman:** Mr. Rotenberg moves that part I of the bill be amended by adding thereto the following section:

"6a. Subsection 131(2) of the said Act is repealed and the following substituted therefor:

"(2) Paragraph 50 of section 210 and paragraph 22 of section 208 of the Municipal Act apply with necessary modifications to the regional corporation, and subject to subsection 2a no area municipality shall exercise any such powers, except in respect of those lands acquired or held by a local municipality on or before December 31, 1973.

"(2a) The regional council may authorize, for such period and on such terms and conditions as the regional council considers desirable, the council of an area municipality to exercise the powers conferred on the council of a municipality by paragraph 22 of section 208 of the Municipal Act."

Section 6, as amended, agreed to.

Section 7 agreed to.

On section 8:

**Mr. Rotenberg:** Again, because this is new to the Haldimand-Norfolk region, I would ask the unanimous consent of the House to place the amendment.

**The Acting Chairman:** This is another new section in the outstanding part of the bill. Is there unanimous consent in the House?

Agreed to.

9:50 p.m.

**Mr. Rotenberg:** Mr. Chairman, this is a three-page amendment. The wording is almost identical to section 3 of the bill in the region of Durham. I will read it into the record if the House so desires, but if the House would



consent to dispense, I will dispense with the reading of this amendment.

**Some hon. members:** Dispense.

**The Acting Chairman:** No, you cannot dispense when it has not been read the first time. Please proceed.

**Mr. Rotenberg:** I move that the bill be amended by adding thereto the following section:

"8a. Sections 58 and 59 of the said act are repealed and the following substituted therefor:

"58(1) On the first day of January 1984, the regional area health unit and the Haldimand-Norfolk Regional Board of Health are dissolved, and the assets and liabilities of the board become the assets and liabilities of the regional corporation without compensation, and the regional corporation shall stand in the place and stead of the Haldimand-Norfolk Regional Board of Health for the purposes of any agreements entered into, orders made, or matters commenced by that board, and for the purposes of any proceedings which have been or may be instituted against that board.

"(2) The regional corporation shall have all the powers and rights and be subject to all the duties conferred or imposed on a local board of health for a municipality by the Public Health Act and shall perform all the functions of such a board, and the functions which would have been performed by the local board or the medical officer of health or the public health inspector of an area municipality shall be performed by the regional corporation or the medical officer of health or the health inspector of the regional corporation, as the case may be.

"(3) The regional corporation shall be deemed to be a municipality for the purpose of the Public Health Act.

"(4) Section 19 of the Public Health Act does not apply to the regional corporation, and section 21 of that act does not apply to the clerk of the regional corporation.

"(5) Sections 17 and 39 of the Public Health Act do not apply to an area municipality.

"(6) The regional corporation shall be deemed to be a local board of health for a municipality for the purposes of sections 25 and 149 and subsections 132(2) and 132(5) and schedule B of the Public Health Act.

"(7) The clerk of the regional corporation shall be deemed to be the secretary of a local board for the purposes of sections 28 and 92 and subsection 27(2) and subsection 78(7) and schedule B of the Public Health Act.

"(8) For the purposes of sections 37 and 129

and subsection 150(2) of the Public Health Act, an order made by the regional council pursuant to the powers conferred on the regional corporation by this section shall be deemed to be an order made by a local board.

"(9) The medical officer of health and the public health inspector and all other classes of persons referred to in subsection 39(7) of the Public Health Act employed by the regional corporation pursuant to subsection 13 shall be deemed to have been duly appointed under section 39 of the Public Health Act and shall have all the powers, rights and privileges and be subject to all the duties conferred or imposed upon such persons by that act or any other act.

"(10) For the purposes of subsection 127(1) of the Public Health Act a request to the Minister of Health by the regional corporation shall be deemed to be a request by a local board.

"(11) The regional corporation may exercise the powers conferred by sections 157 and 158 of the Public Health Act, and no area municipality may exercise such powers.

"(12) Where the regional corporation or the medical officer of health or a public health inspector of the regional corporation has incurred expenditures which under the Public Health Act may be recovered by levying the amount thereof against rateable property in a municipality or by adding the amount thereof to the collector's roll and collecting such amount in a like manner as municipal taxes, the regional council may by bylaw direct the appropriate area municipality to levy such amount or to add such amount to its collector's roll, as the case may be, and to collect the same in accordance with the provisions of the Public Health Act, and the council of an area municipality shall forthwith upon receiving a direction under this subsection comply therewith, and any moneys collected pursuant to this subsection shall forthwith be paid over to the treasurer of the regional municipality.

"(13) The regional corporation shall offer to employ every person who on the 31st day of December, 1983, is employed by the Haldimand-Norfolk Regional Board of Health, and any person who accepts employment offered under this subsection shall be entitled to receive a wage or salary up to and including the 31st day of December, 1984, of not less than he was receiving on the 31st day of December, 1983.

"(14) Subsections 26(1), 26(2) and 26(4) apply with necessary modifications to the regional corporation and to persons employed under subsection 13 as though such persons were

employed on the 31st day of December, 1983, by a local board of a local municipality within the regional area.

"(15) Where a person employed under subsection 13 was not employed under a collective agreement on the 31st day of December, 1983, the regional corporation shall place to the credit of such person the sick leave credits standing to his credit on such date in the sick leave credit plan of the Haldimand-Norfolk Regional Board of Health.

"(16) Nothing in subsections 13, 14 and 15 prevents the regional corporation from terminating the employment of an employee for cause."

**The Acting Chairman:** Mr. Rotenberg moves that the bill—

**Mr. Rotenberg:** Dispense.

**The Acting Chairman:** It will take twice as long if I read it.

Motion agreed to.

Section 8, as amended, agreed to.

Sections 9 to 17, inclusive, agreed to.

On section 18:

**Mr. Charlton:** Mr. Chairman, I too have two amendments which come from the city of Hamilton and the regional municipality of Hamilton-Wentworth.

I move that section 7 of the Regional Municipality of Hamilton-Wentworth Act, being chapter 437 of the Revised Statutes of Ontario, be repealed, and that section 11 of the said act be repealed and the following substituted therefor:

"11(1) The chairman shall be elected in the general municipal election at large.

"(2) When a vacancy occurs in the office of chairman within two years of a municipal election, a new election shall be held.

"(3) When a vacancy occurs in the office of chairman in the third year, the regional council shall at the general meeting elect a chairman, who may be one of the members of the regional council, or any other qualified elector in Hamilton-Wentworth, to hold office for the remainder of the term of his or her predecessor.

"(4) Should this necessitate a vacancy in an area municipality, the council of the area municipality of which he or she was a member shall by bylaw, within 30 days after the vacancy occurs, appoint a successor, who may be a member of the council or a person who is eligible to be elected a member of the council, to hold office for the remainder of the term of his or her predecessor."

Mr. Chairman, the two amendments that I have moved will require unanimous consent of the House.

**Some hon. members:** Agreed.

**The Deputy Chairman:** There is not unanimous consent.

**Some hon. members:** Agreed.

**Some hon. members:** Not agreed.

**The Deputy Chairman:** Just a moment. I am hearing "agreed" and "not agreed." Is it agreed on this side? It is agreed.

**Some hon. members:** No.

**The Deputy Chairman:** I do not have unanimous consent.

Interjections.

**The Deputy Chairman:** I am hearing the government side say it is agreed.

Interjections.

**The Deputy Chairman:** I do not have unanimous consent.

Interjections.

**The Deputy Chairman:** It is agreed?

**Mr. McClellan:** Mr. Chairman, I am sure you have unanimous consent, because the House had received—

**The Deputy Chairman:** But I asked all honourable members to bear with—

**Mr. McClellan:** —the unanimous consent of the government about five minutes ago, and I cannot imagine that they would be—

**The Deputy Chairman:** I hear unanimity, so if I can have a copy of the motion.

**Hon. Mr. Wells:** Mr. Chairman, it is agreed. Agreed to.

**Mr. Charlton:** Mr. Chairman, I will be brief. I would just like to make several brief points in supporting the amendments I have moved.

First, this is an issue that has been discussed for almost a decade now since the majority of the regions in Ontario were created. There may have been some validity to using the process now in place when the regions were first established, but in every other level of government in this province we use an elected approach. As my colleague the member for Oshawa (Mr. Breaugh) suggested when he was speaking on second reading, the member for Lake Nipigon (Mr. Stokes) represents a much larger piece of the geography of this province than any of the regions I am aware of and without substantial difficulty.

It is time that we try the first experiment in

this province with an elected regional chairman and it is appropriate that this experiment be done in the regional municipality of Hamilton-Wentworth. This is the one region where it is of great concern to both the residents and the taxpayers and it is the one region where both the major municipality in the region and the regional council of Hamilton-Wentworth have requested repeatedly, and recently again this fall, that this amendment be made to the act.

The parliamentary assistant, the member who is carrying this bill through the House tonight, made the point and made it a number of times in his earlier comments, that the amendments he was moving tonight were being moved to accommodate the wishes of the regional municipalities. It is not, in my view and I think in the view of those elected representatives in the regional municipality of Hamilton-Wentworth, appropriate for this Legislature to say that they are not mature enough and not able to handle a full electoral system in their region.

#### 10 p.m.

It is their request, after very thorough discussion over a number of years, that this amendment be passed. This request, from this regional municipality, has been given the same kind of consideration the other amendments we dealt with here tonight have been given. That makes it an appropriate process for us to get on with finding out if there are the problems that have been suggested, which most of us do not believe exist.

**Mr. Cunningham:** Mr. Chairman, I am quite anxious to support the amendment that has been moved by my friend the member for Hamilton Mountain (Mr. Charlton). I should say at the outset I agree entirely with the thesis of his amendment and I am supportive of it. I hope the government might set aside its previous dialectical hangups, contemplate favouring this amendment and permit the people of Hamilton-Wentworth, at least on the basis of an experiment, to elect at large their own regional chairman.

I was frankly astounded that the parliamentary assistant would have voiced his disapproval and his objection to offering unanimous consent to have this amendment advanced at the outset. It certainly is at variance with the generosity of spirit this side of the House has offered unequivocally to the honourable member so that we could proceed with regard to previous amendments in this very same item of legislation. I was astounded to hear him say he would

deny unanimous consent while his House leader, a scant 25 yards away, would be suggesting we proceed with it. Of course, the right to proceed with it and the right to see it passed in law are two different and distinct things.

I myself would very much like to see this become reality because I believe the people of Hamilton-Wentworth are quite capable of determining their own destiny, and that includes the selection of a regional chairman. Indeed, the regional chairman who was chosen to head the region is on record right from day one as supporting the election of a regional chairman, as are a majority of our council, as is our major newspaper, the Hamilton Spectator, and as are at least 8,000 people who have signed a petition that has been advanced in support of this initiative.

It is object nonsense that this government continues to ignore the the well-expressed wishes, the well-developed consensus of the people in my district and the other six constituencies in the area on this subject. It is not only unfair, it is undemocratic, it is inequitable and, frankly and simply put, it is bad politics.

Our good friend the rookie member for Wentworth (Mr. Dean) is not here tonight. I do not know what he is doing. He may well be here by 10:30 p.m., but I gather he has a definite point of view in relation to this initiative. It is his view that we do not have the capability to determine our own destiny and we should not be given the privilege of electing our own regional chairman. If he had advocated this during the course of the last election, he would not be here today.

I say sincerely to the parliamentary assistant that if the government does not re-evaluate its position in this regard and contemplate being a little more objective, a little more sensible and, if I could actually suggest it in this chamber, a little more political, that honourable gentleman may not be with us after the conclusion of the next election. After all, back home we call him landslide Gordon.

I ask the parliamentary assistant to have a little huddle with his House leader and determine that possibly tonight is the occasion for a sensible initiative advanced by an opposition member, albeit not myself, although I have advanced this by way of private initiative and would support it if it came from a government initiative. In five minutes we could have it through the House and it would be reality.

I ask the parliamentary assistant to take a long look at the concern advanced by my



colleague the member for Hamilton Mountain, set aside whatever dialectical or partisan hangup he may have with regard to the election of a regional chairman and give consideration to the passage of this amendment. It is a radical step, I must admit. It has something to do with democracy. It is really something strange that we would have taxpayers actually electing their own chairmen in their own district. It is somewhat radical, but I would think the people of Hamilton-Wentworth are up to that task.

This would not involve a great deal of extra expense. We advertise in the Hamilton Spectator. When one buys the Spectator for Dundas, one buys it for the whole area. We would advertise on our three local radio stations. When one buys an ad there, one buys an ad for the whole area.

In the context of running an election campaign, it might be 25 per cent or 30 per cent more expensive, and that is all. Of course, if it was unduly expensive, the government might do the right thing and bring in election expenses for municipalities, which is something I think both parties on this side would advocate as well.

In conclusion, I think the time has come for this legislation. The problem will not go away. It is something that our citizens, our taxpayers, our ratepayers are expecting. By denying it to them, we are denying them fundamental justice, we are denying them democracy and we may even be denying them the services of landslide Gordon after the next election.

**Mr. Rotenberg:** Mr. Chairman, I must say I would have been considerably happier had the member for Hamilton Mountain given me the same notice on this new motion that I gave the people opposite, so there would have been at least some time to consider what was being brought forward and not have it sprung on us at the last moment.

However, I must indicate that the government—not just myself—does not support this amendment. The chairmen in Hamilton-Wentworth and other regions are elected. They are elected by their colleagues in the same way as is done in all parliamentary systems where the leader of the government is elected by his colleagues. We operate in the tradition of the British parliamentary system and of all local governments in Great Britain. The head of the council is not elected by the people but by the members of the council, which is the same, in effect, as the head of this government who is elected by the Legislature. We are not in the American system of government where every-

body from Supreme Court judge to dog catcher is elected at large.

As I say, had we had some notice of this motion, we might have been able—

**Mr. Breagh:** You had as much notice of this motion as I had.

**The Deputy Chairman:** Order.

**Mr. Rotenberg:** The member had notice this afternoon and the motion was put tonight. However, notice or not, I must indicate that the government cannot support this motion at this time.

**The Deputy Chairman:** Does any other member wish to participate in this debate?

All those in favour of Mr. Charlton's amendment will please say "aye."

All those opposed will please say "nay."

In my opinion the nays have it.

Motion negatived.

Section 7 agreed to.

**The Deputy Chairman:** Are there any further amendments?

**Mr. Rotenberg:** Mr. Chairman, the next amendment I have is on section 26, if we can carry sections 18 to 25 inclusive.

Sections 18 to 25, inclusive, agreed to.

On section 26:

**Mr. Rotenberg:** Mr. Chairman, the amendment I have to section 26 is identical to the amendment I moved on section 8. Maybe we could have a better ruling from you than we did from the previous chairman. Could we pursue this without reading it into the record?

**The Deputy Chairman:** No, it has to be read into the record.

**Mr. Nixon:** On the point the member is making—

**Mr. McClellan:** Are you asking for unanimous consent?

**Mr. Rotenberg:** First of all, Mr. Chairman, I would ask for unanimous consent to place this amendment on behalf of the regional municipality of Niagara.

Agreed to.

**The Deputy Chairman:** I recognize the member for Brant-Oxford-Norfolk.

**Mr. Nixon:** Mr. Chairman, on a point of order: Since the words are identical to those that were just read in this very act, I wonder whether it would not be possible for the member to make a motion simply referring to the exact words he has already read to us.

**Mr. Rotenberg:** I would be delighted, except the words are slightly different. The other one made reference to Haldimand-Norfolk and this one does not. With that slight difference—

**The Deputy Chairman:** I accept the point the member for Brant-Oxford-Norfolk has made, with the only change referring to the municipality of Haldimand-Norfolk.

10:10 p.m.

**Mr. Breaugh:** Speaking to that matter, Mr. Chairman, I think you need unanimous consent for that. I would have been prepared to give it 10 minutes ago, but now I am not. Make him read it.

**The Deputy Chairman:** The member will read it.

**Mr. Rotenberg:** No problem.

I move that the bill be amended by adding thereto the following sections:

"26a. Sections 106 and 107 of the said act are repealed and the following substituted therefor:

"106(1) On the first day of January 1984 the regional area health unit and the board of health of the regional area health unit are dissolved and the assets and liabilities of the board become the assets and liabilities of the regional corporation without compensation, and the regional corporation shall stand in the place and stead of the board for the purposes of any agreements entered into, orders made or matters commenced by the board and for the purposes of any proceedings which have been or may be instituted against the board.

"(2) The regional corporation will have all the powers and rights and be subject to all the duties conferred or imposed on a local board of health for a municipality by the Public Health Act and shall perform all the functions of such a board, and the functions which would have been performed by the local board or the medical officer of health or the public health inspector of an area municipality shall be performed by the regional corporation or the medical officer of health or the health inspector of the regional corporation, as the case may be.

"(3) The regional corporation shall be deemed to be a municipality for the purpose of the Public Health Act.

"(4) Section 19 of the Public Health Act does not apply to the regional corporation, and section 21 of that act does not apply to the clerk of the regional corporation.

"(5) Sections 17 and 39 of the Public Health Act do not apply to an area municipality.

"(6) The regional corporation shall be deemed

to be a local board of health for a municipality for the purposes of sections 25 and 149 and subsections 132(2) and (5) and schedule B of the Public Health Act.

"(7) The clerk of the regional corporation shall be deemed to be the secretary of a local board for the purposes of sections 28 and 92 and subsection 27(2) and subsection 78(7) and schedule B of the Public Health Act.

"(8) For the purposes of sections 37 and 129 and subsection 150(2) of the Public Health Act, an order made by the regional council pursuant to the powers conferred on the regional corporation by this section shall be deemed to be an order made by a local board.

"(9) The medical officer of health and the public health inspector and all other classes of persons referred to in subsection 39(7) of the Public Health Act employed by the regional corporation pursuant to subsection 13 shall be deemed to have been duly appointed under section 39 of the Public Health Act and shall have all the powers, rights and privileges and be subject to all the duties conferred or imposed upon such persons by that act or any other act.

"(10) For the purposes of subsection 127(1) of the Public Health Act a request to the Minister of Health by the regional corporation shall be deemed to be a request by a local board.

"(11) The regional corporation may exercise the powers conferred by sections 157 and 158 of the Public Health Act, and no area municipality may exercise such powers.

"(12) Where the regional corporation or the medical officer of health or a public health inspector of the regional corporation has incurred expenditures which under the Public Health Act may be recovered by levying an amount thereof against rateable property in a municipality or by adding the amount thereof to the collector's roll and collecting such amount in a like manner as municipal taxes, the regional council may by bylaw direct the appropriate area municipality to levy such amount or to add such amount to its collector's roll, as the case may be, and to collect the same in accordance with the provisions of the Public Health Act, and the council of an area municipality shall forthwith upon receiving a direction under this subsection comply therewith, and any moneys collected pursuant to this subsection shall forthwith be paid over to the treasurer of the regional municipality.

"(13) The regional corporation shall offer to employ every person who on the 31st day of December 1983 is employed by the board of

health of the regional area health unit, and any person who accepts employment offered under this subsection shall be entitled to receive a wage or salary up to and including the 31st day of December 1984 of not less than he was receiving on the 31st day of December 1983.

"(14) Subsections 24(2), (3) and (5) apply with necessary modifications to the regional corporation and to persons employed under subsection 13 as though such persons were employed on the 31st day of December 1983 by a local board of a local municipality within the regional area.

"(15) Where a person employed under subsection 13 was not employed under a collective agreement on the 31st day of December 1983, the regional corporation shall place to the credit of such person the sick leave credits standing to his credit on such date in the sick leave credit plan of the board of health of the regional area health unit.

"(16) Nothing in subsections 13, 14 and 15 prevents the regional corporation from terminating the employment of an employee for cause."

**Mr. R. F. Johnston:** On a point of order, Mr. Chairman: I missed the second paragraph. I wonder if the member could read it again.

Interjections.

Motion agreed to.

Section 26, as amended, agreed to.

Sections 27 to 58, inclusive, agreed to.

On section 59:

**The Deputy Chairman:** Mr. Rotenberg moves that subsection 59(2) of the bill be struck out and the following substituted therefor:

"(2) Sections 3, 8a, 20, 26a and 36 come into force on the first day of January 1984."

**Mr. Rotenberg:** Mr. Chairman, the purpose of this amendment is that those three amendments we have carried can now come into force on January 1, 1984.

Motion agreed to.

Section 59, as amended, agreed to.

Section 60 agreed to.

Bill, as amended, ordered to be reported.

## PUBLIC SECTOR PRICES AND COMPENSATION REVIEW ACT

(concluded)

Resuming the adjourned consideration of Bill 111, An Act to provide for the Review of Prices and Compensation in the Public Sector and for

an orderly Transition to the Resumption of Full Collective Bargaining.

**The Deputy Chairman:** It being 10:15 p.m., and since it was agreed there would be a stacked vote, the bells will ring for 10 minutes.

**10:25 p.m.**

The committee divided on Mr. Swart's amendment to add subsection 12(1), which was negated on the following vote:

Ayes 37; nays 59.

The committee divided on whether section 12 should stand as part of the bill, which was agreed to on the same vote reversed.

The committee divided on Mr. Swart's amendment to add subsection 13(1), which was negated on the same vote.

The committee divided on Mr. Wrye's amendment to section 13, which was negated on the same vote.

The committee divided on Mr. Wrye's amendment to subsection 13(3), which was negated on the same vote.

The committee divided on Mr. Swart's amendment to section 13, which was negated on the same vote.

The committee divided on whether section 13 should stand as part of the bill, which was agreed to on the same vote reversed.

Section 13 agreed to.

**10:30 p.m.**

The committee divided on Mr. Wrye's amendment to subsection 14(2), which was negated on the following vote:

Ayes 37; nays 59.

The committee divided on whether section 14 should stand as part of the bill, which was agreed to on the following vote:

Ayes 59; nays 37.

Section 14 agreed to.

The committee divided on Mr. Wrye's amendment to section 22, which was negated on the following vote:

Ayes 37; nays 59.

Section 22 agreed to.

The committee divided on Mr. Rae's amendment, the addition of subsection 22(a), which was negated on the same vote.

Bill, as amended, ordered to be reported.

On motion of Hon. Mr. Wells, the committee of the whole House reported two bills with certain amendments.

## BUSINESS OF THE HOUSE

**Hon. Mr. Wells:** Mr. Speaker, just before we adjourn, I might indicate there will be a slight



change in the business tomorrow afternoon.

We will deal with all the private bills standing on the order paper tomorrow afternoon, second and third readings, and then move to Bill 134, An Act to amend the Immunization of School

Pupils Act, then go down the list we had: Bill 139, Bill 145, Bill 147, Bill 144, Bill 135, Bill 136 and Bill 142. Bill 111 will be called for third reading tomorrow evening.

The House adjourned at 10:33 p.m.

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No. 109

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# Hansard

## Official Report of Debates

### Legislative Assembly of Ontario

**Third Session, 32nd Parliament**

Tuesday, December 13, 1983

Afternoon Sitting

Speaker: Honourable John M. Turner

Clerk: Roderick Lewis, QC

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# LEGISLATIVE ASSEMBLY OF ONTARIO

Tuesday, December 13, 1983

The House met at 2 p.m.

Prayers.

## CHRISTMAS GREETINGS

**Mr. G. I. Miller:** Mr. Speaker, I would like to thank you for giving me the opportunity of providing the people in the Legislature with some of the fruits of Victoria, which is located in Haldimand-Norfolk. It reminds us that Christmas is not far away and that we are getting near the end of the session. I would like to extend season's greetings to you and the members of the Legislature.

**Mr. Speaker:** Thank you very much.

## POLISH ANNIVERSARY

**Mr. Rae:** Mr. Speaker, today is December 13, which marks the second anniversary of the imposition of martial law in Poland. It is important for this Legislature to recall that although martial law was lifted in Poland in July 1983, for a great many people the situation has not improved dramatically. Trade unionists and many others are still in jail and we understand there are now 11 who are awaiting trial. Those 11 are seven activists in Solidarity and four in KOR, which is the Committee for Workers' Defence and a supporter of Solidarity. All 11 individuals are charged with sedition and "crimes against the state."

I am sure that in the week following the award of the Nobel Peace Prize to Mr. Lech Walesa, the founder of the Solidarity movement, the members of the Legislature would want to join me and members of my party in marking with a sense of real sadness that this is the second anniversary of the imposition of martial law in Poland and that for a great many people in that wonderful country, freedom is not yet the friend we all feel it should be.

## STATEMENTS BY THE MINISTRY

### INDIAN BAND AGREEMENT

**Hon. Mr. Sterling:** Mr. Speaker, in my capacity as minister responsible for native affairs, I am pleased to report to members of the Legislature that earlier today I was able to sign an official agreement for our government with the

Islington band. I am also pleased to announce that a letter of intent has been signed with Chief Mandamin of the band and Ontario Hydro. This letter recognizes that agreement on major issues has been reached and that every effort is being made to finalize the matter and to bring about its successful completion.

Ontario Hydro and the Islington band have reached agreement on the terms of a settlement which includes \$1.5 million to the band and the transfer of some 4,200 acres. This transfer will be to the federal government for addition to the Whitedog reserve in compensation for reserve lands flooded by the Caribou Falls Hydro dam some years ago.

Members will recall that the government agreed to implement the recommendations as contained in the report of the Royal Commission on the Northern Environment. Essentially, the commission recommended that special attention be provided to the social and economic needs of the Islington and Grassy Narrows band.

In response, a mediation process was entered into with the two bands, the federal government and Ontario to identify and implement measures which would improve the general conditions of these communities. The major initiatives as contained in the agreement signed this morning with the Islington band are as follows.

The province will provide up to \$1 million to be used for the construction of a greenhouse, as well as equipment and related facilities for the production of seedlings for reforestation. The greenhouse will be built near the Whitedog reserve. The Ministry of Natural Resources will enter into a long-term contract with the band for the purchase of the seedlings. As well, an additional \$537,500 will be held in a fund for the band's use in equipping band commercial fishermen, trappers and guides. The funds may also be used for future expansion of the greenhouse operation.

With respect to wild rice, Ontario agrees to license all bodies of water in the southern subsection of the present registered area to the Islington band for the exclusive harvesting of wild rice by its members. This licensing agreement will continue as long as reasonable har-



vesting of wild rice takes place. In the northern subsection of the band's present registered area, the band agrees that while the right of first refusal for harvesting jobs will be granted, licences for this area will be made available to any resident of Ontario.

With respect to the bays of Swan Lake, which are adjacent to the boundaries of the reserve, the Minister of Natural Resources (Mr. Pope) will recommend that changes be made to the regulations under the Wild Rice Harvesting Act. This amendment would allow the band to harvest wild rice on Swan Lake without conditions of production. This licence will not be changed without the mutual consent of the Minister of Natural Resources and the Islington band.

In order to ensure that the band has access to fish for its personal use, specific lakes near the reserve have been identified for band members to fish for food and to stock the band's community freezer. In this area, sports fishing will be allowed to continue.

For commercial fishing, the band will retain its current licences with quotas to be negotiated with the Minister of Natural Resources. Ontario will purchase the assets of an additional commercial fishing licence for a reasonable price from a willing seller and transfer the licence and assets to the Islington band.

Should the quotas in the band's commercial licences be reduced for biological reasons, Ontario has designated other lakes on which the band could obtain a replacement licence with satisfactory quotas.

Ontario will also assist the band to obtain the assets and licences for specific traplines in the area near the band's reserve lands on a willing seller-willing buyer basis.

With respect to the band's interest in increasing its logging activities in the area near its reserve land, Ontario has agreed to increase the band's present cord allotment in the future depending on the availability of supply and appropriate harvesting. Present nonband timber licences near the reserve will be relocated to new timber harvesting areas on a phased basis as the English River road currently under construction progresses north of Separation Lake.

The band will have the first right of refusal on all new resource-related jobs, except family operations, in the area immediately surrounding the reserve.

Other employment and training programs to be implemented by the province for the band include a tree planting program; purchase of

jackpine cones; seasonal contracts for band members as firefighting crews; jobs as extra firefighters as needed; a road maintenance training program; road maintenance contracts; an annual subsidy to the band to maintain its community fish freezer program; short-term training for off-reserve employment in resource development; and a social service training program.

**2:10 p.m.**

Finally, initiatives to be undertaken in co-operation with band members to address the social needs of the Whitedog community include a commitment to study the needs of the band children, mutually identified and assessed by the ministry and the band; a commitment to study the needs of elderly band members; a commitment to study the band's need for infant care; a commitment to establish services and facilities or to expand existing facilities and services which are identified through the studies just mentioned; funding up to an amount of 50 per cent for a covered ice surface and community hall if the band can provide matching funds and operational funds; matching funds for two years for a recreation director on the reserve; and a \$15,000 grant for one year's service towards the cost of employing an educational consultant to develop an education program on the reserve.

The final point contained in the agreement relates to future development. In order to provide the band with an opportunity to comment on future development in the area surrounding their reserve lands, Ontario has agreed to give the band 60 days' notice of all applications for developments involving a cost of more than \$150,000.

As I indicated in my opening remarks, negotiations were entered into with both the Islington and Grassy Narrows bands. With respect to the Grassy Narrows band, I am pleased to report the following progress. At the band's request, negotiations with Ontario had been suspended. I have recently met, however, with Chief Fobister of the band and will resume discussions again in January. It is my hope that together we will be able to address in the very near future the concerns which have been identified.

During the past few months, both parties have negotiated in good faith. From these discussions, a solid relationship has emerged between the Islington band and the Ontario government. May I say that there has been a very personal commitment on behalf of the chief of the Islington band, Chief Isaac Mandamin, who is

sitting in the members' gallery to my right. It is my hope that this relationship will continue long after the conditions of this agreement have been fulfilled.

### ELECTION LEGISLATION

**Hon. Mr. Wells:** Mr. Speaker, I am happy to say that at the appropriate time today it will be my privilege to introduce the new Ontario Election Act.

Because free elections are the cornerstone of our parliamentary democracy, I believe I should use this occasion to review in some detail the philosophy and process embodied in the bill I will be introducing.

This will be the first substantial amendment to our election act since the present legislation was passed in 1969 and draws upon the experience of the past 15 years in attempting to adjust to the contemporary environment. In doing so, we will also preserve many of the traditional and time-tested election procedures which have served us well in Ontario in past years.

**Mr. Martel:** Yes, unlimited spending.

**Mr. Rae:** Ask Larry about that; he is an expert on those things.

**Mr. Speaker:** Order.

**Hon. Mr. Wells:** My friends, whom I assume are more knowledgeable of these things, will understand that this is the Election Act, not the election contributions and finances act.

**Mr. Martel:** It is not coming in as a companion piece, then.

**Mr. Speaker:** Order.

**Hon. Mr. Wells:** Underlying everything in this bill is the commitment that government exists only by the will of the people and that our citizens must be unhindered in expressing this will through a secure, accessible and easily understood electoral process. For this reason, the new act broadens both the physical and the procedural access of citizens to the polls.

Election day in Ontario continues to be Thursday. The bill provides for a common time for polling between 9 a.m. and 8 p.m., local time, year-round, except in the districts of Kenora and Rainy River, which are in the Central time zone; polls there will be open from 8 a.m. until 7 p.m., Central time. The effect of this is that no poll will open sooner or close later than any other poll in Ontario.

The minimum period between the issue of the writs and polling day is reduced from 37 days to 30 days, but nomination day will remain 14 days before polling day. These changes will allow for

a shorter election period, recognizing the trend towards this across Canada.

There are three significant changes in the nomination process: a reduction from 100 to 25 in the number of signatures required for nomination; the requirement for the first time of a deposit of \$200; and the requirement of a statement of having filed or an undertaking to file for registration with the Commission on Election Contributions and Expenses from each candidate.

But I believe that perhaps the most important changes in this new bill are designed to better accommodate the electors and to remove any barriers that deter them from exercising their franchise. Enumerators will be required to make three visits before leaving a notice envelope at the residence, and provision is made to add names to the voters' lists up until the day before polling. In rural ridings the historic right of election day vouching will be continued.

We are proposing as well to add Thursday to the Saturday and Monday before election day for broadly situated advance polls. As a further convenience, six additional days of polling before election day will be held in the premises of the returning officer, these being on the 12th, 10th, ninth, eighth, sixth and second days before election day.

In addition, the bill broadens the category of those who may act for the voter at the revision of the polls; for example, a teen-age child asking to have a parent's name added. The bill also extends to an elector who is away from the riding during the polling period on business the right of designating a proxy. However, as a precaution, one person can be a voting proxy for no more than two electors, and there are very specific penalties for any corruption connected with proxy voting.

Returning officers will be required to seek out polling locations that have access for the disabled. Polling officials will be authorized to move the ballot box to help the elderly or disabled; for example, carrying the box to the door if the voter cannot come inside.

Municipalities and school boards, along with landlords of premises of more than 100 dwelling units, will be required to make polling space available at the request of the returning officer.

Finally, the grounds for a judicial recount are being restricted solely to determine who is the winning candidate. As members know, recounts were considered in past years to determine second or third places to establish entitlements for rebates or status in subsequent elections.



A further change removes the term "British subject" as a voter qualification—

**Mr. Breithaupt:** Excellent idea.

**Hon. Mr. Wells:** —after July 1, 1986, when we—

**Mr. T. P. Reid:** You have no shame at all.

**Mr. Breithaupt:** You are going to give it one more shot.

**Mr. Speaker:** Order.

**Mr. T. P. Reid:** Just in case there is one more United Empire Loyalist left.

**Hon. Mr. Wells:** I think my friend realizes that in these matters there are still some people in Ontario who feel that notice should be given of this change. But once this bill is passed, it will be in effect after July 1, 1986.

At that time we will be using terminology that will be similar to the federal and most provincial election acts; that is, the basis for voting will be Canadian citizenship. The residence requirement will be changed from 12 months' to six months' residence in the province at the same time, July 1, 1986.

There are, of course, a great many more changes of an administrative nature, which are all based on the experience of recent elections and which are found in this bill.

**Mr. Bradley:** What about election spending?

**Hon. Mr. Wells:** My friend, I just answered that. This bill has nothing to do with election spending.

**Mr. Speaker:** Order.

**Hon. Mr. Wells:** While this legislation is of necessity being introduced by me as a government bill, it belongs in reality to all of us in this House. In presenting it today I would like to acknowledge and thank the initiative, first, of the former chief election officer, the Clerk of the House, and the present chief election officer, Mr. Warren Bailie, who is sitting under the gallery. Each of these gentlemen contributed much and provided much in the basis and detail of this new bill.

**2:20 p.m.**

This legislation affects members directly as the means by which we all come to serve in this Legislature, but the election process is for all and affects all citizens. It is one of the most cherished and zealously guarded rights of our democratic society and together we have a very direct responsibility for it.

In presenting this bill today, I am not presenting the usual compendium that the rules provide

for with the bill because there may be a multitude of supporting documents that all members of the House may wish. I will endeavour to supply anything that members wish as they consider this bill and the chief election officer and his staff are available to all members to provide any backup information they might wish on the bill.

We are, of course, not going to proceed with this bill before the Christmas prorogation. The winter holiday will give us all the time to read it, to have the bill considered by our associates, those we represent, our constituents, and we will have an opportunity to discuss and formulate ideas on it. It is, as I just said, a bill that belongs to all of us in this Legislature.

**Mr. T. P. Reid:** The bill requires a compendium.

**Hon. Mr. Wells:** I am asking for agreement not to have a compendium and for members to supply me with requests for information they wish or talk to the chief election officer about what they feel would be necessary. By this, and through our considerations next spring when we bring the bill back for debate and consideration in this House, we can bring forward very effective reforms of the election process in this province.

**Mr. T. P. Reid:** Mr. Speaker, on a point of order: Some of my friends opposite will think I am being overly technical, but the rules do provide that the minister introducing a bill shall provide a compendium. If this matter is as important as the minister has suggested, I suggest that a full compendium dealing with the bill be provided to all members. The minister cannot just waive the rules like that.

**Mr. Speaker:** I understood the minister to say the backup material was quite lengthy and voluminous and he will supply on request whatever material is needed.

**Mr. T. P. Reid:** That is not what the rules say.

**Mr. Speaker:** Order. If you are asking that we have unanimous consent for this provision to be waived, perhaps the government House leader would so indicate.

**Hon. Mr. Wells:** I will provide one copy of a compendium to each party when I introduce the bill in one hour.

**Mr. Speaker:** Thank you.

#### CHILD ABUSE

**Ms. Copps:** Mr. Speaker, I rise on a point of privilege about an issue of a very serious nature. I raised a case in the House yesterday with



which you will no doubt be familiar. It is the case of the Hamilton woman by the name of Gail Cochrane who ended up on the child abuse registry following an incident that involved the conviction of another person. I would like to read into the record a statement that was made by the Minister of Community and Social Services (Mr. Drea) in the scrum outside.

"'In charge of,' that does not mean you have to be the parent, the guardian or whatever; it means that at the particular time something was done to the child you were in the position to control the child. It is not something you did by remote control. In this particular case in Hamilton, come on, she watched."

That was a statement made by the minister outside the House in the scrum yesterday. I have here a sworn affidavit from the mother involved to the effect that she did not watch and was not privy to the situation. This is a very serious allegation. It is potentially libellous and I think it is very important that the minister should clear up the record on this with a public apology.

I also have a letter from the Attorney General (Mr. McMurtry) to me, dated August 9, 1983, about that very case, in reply to correspondence I sent to him about the severity or lack thereof of the sentence. I would like to quote into the record the statement made by the Attorney General. "It is very doubtful that a statement made by the accused to the police would have been admissible at the trial. The four-year-old girl likely would not have testified at the trial. No one else saw the incident in question."

This letter was written to me by the Attorney General of this province on August 9. The woman is in the gallery today and I believe the minister should rise in his place and offer a public apology to Gail Cochrane and to correct the record.

**Hon. Mr. Drea:** Mr. Speaker, I regret very much that the honourable member has identified the woman. I noticed that in Hansard yesterday.

**Mr. Nixon:** That is not the issue.

**Hon. Mr. Drea:** Do not tell me what the issue is.

**Mr. Speaker:** Order.

**Mr. Nixon:** You said she watched.

**Hon. Mr. Drea:** I am going to tell the members a little bit about this case and I really do not want to. There are an abundant number of reasons why that woman is on the child abuse

registry, one of which is she was in proximity while the sexual abuse took place by her boy friend. There are other charges and other allegations against this mother. I hope the honourable member is not going to make me read what she did to the child.

**Ms. Copps:** Mr. Speaker, on a point of privilege—

**Some hon. members:** Shame.

**Mr. Speaker:** Order.

**Ms. Copps:** This is far too important to let drop. It is quite clear, according to the statement made by the Attorney General of this province, that no one witnessed that incident. The minister libelled the woman outside this House. He owes her a public apology.

**Mr. Speaker:** Order. Will the member please resume her seat.

**Ms. Copps:** The Attorney General stated in his letter—

**Mr. Speaker:** Order. We are on statements by the ministry.

## HELICOPTER PRODUCTION

**Hon. F. S. Miller:** Mr. Speaker, I am pleased to inform the House that earlier today the Honourable Ed Lumley and myself announced a \$70-million helicopter initiative with Messerschmidt-Bulkow-Blohm, MBB, of West Germany. Under the terms of the agreement, MBB will develop and manufacture in Canada models of light twin-engine helicopters. MBB will develop this engineering capability at Fort Erie, Ontario, through a joint venture arrangement with Fleet Industries.

Ontario's share of this investment is \$14 million and the federal government will contribute \$20.9 million. We expect this initiative will result in the creation of approximately 270 direct jobs plus 300 indirect jobs.

Work on production of the light twin-engine helicopter will start early next year. The models offered Canada are high-performance aircraft which have a competitive advantage in certain regional and specialized applications. At the same time, development work will begin on major component improvements such as the dynamic system, not only to improve the capabilities of this helicopter but also to be utilized for other MBB helicopters produced in Germany. These components will also be incorporated into the follow-up production of helicopters at the new Canadian facility.

MBB helicopters are highly regarded interna-

tionally and the company is one of the leaders worldwide in rotor technology. Sales of the company's helicopters in 1982 were worth \$260 million and have tripled since 1977. The company has the distinction of being one of the few that has not had to cut back production since the recession began in 1981.

The Fort Erie facility will be the company's first production plant in North America and will form the basis of a long-term relationship with Canada. The company will provide the necessary financial, technical and international marketing support to ensure the success of its Canadian venture.

The \$34.9-million investment by the federal government and the province will be repaid by MBB in the form of a two per cent royalty on the total sales of helicopters, accessory kits and spares produced by the new company.

Let me conclude by indicating my full support for this major development in our country's aerospace industry. Ontario is very pleased to be part of MBB's first major North American manufacturing initiative and we look forward to an ongoing relationship with this important West German high-technology transportation equipment manufacturer.

**Mr. Sweeney:** Mr. Speaker, I have a point of order. Before that, may I compliment the minister on the activities of both the federal and provincial governments with respect to that statement. That is the kind of good news we like to hear.

2:30 p.m.

#### ERROR IN PUBLICATION

**Mr. Sweeney:** Mr. Speaker, you might remember that on Friday last my colleague the member for St. Catharines (Mr. Bradley) rose in his place to point out to you that the annual report of the Ministry of Energy had placed his constituency in the state of New York. I gather this is being corrected.

I rise in my place today to point out that I have just received the annual report of the Ministry of Industry and Trade as part of the package for the estimates which begin tomorrow. I would draw to your attention that on page 26 of this report it is reported that for the year ending March 31, 1983, the ministry administration spent \$8.7 billion, the industry division spent \$18.3 billion, the trade division spent \$11.7 billion, and payments to Massey-Ferguson were \$75.8 billion, for a total of \$115.3 billion.

Given the fact that the entire budget of

Ontario is roughly \$24 billion, I am really at a loss to understand how the Minister of Industry and Trade (Mr. F. S. Miller) can spend \$115 billion. Perhaps it would be wise to know how far this has been distributed and what action is being taken to correct it.

**Mr. Speaker:** Maybe the minister knows something the rest of us do not.

**Hon. F. S. Miller:** Mr. Speaker, one of the problems I face is that as an engineer I learned my mathematics with a slide rule. They do not have a decimal place.

#### ORAL QUESTIONS

##### MERCURY POLLUTION

**Mr. J. A. Reed:** Mr. Speaker, I have a question for the Provincial Secretary for Resources Development in the light of the important events which have been announced by him today.

It has been 13 years since mercury was discovered in the English-Wabigoon river system. It has been five years since mediation was begun in order to finally reach this settlement. It means that half a generation has lost opportunities as a result of that pollution.

The minister is aware that a steering committee was established to study the mercury pollution in the late 1970s and to look at remedial measures to lower the mercury level in the system. The minister knows the committee has not yet reported, even though that report is now two years overdue.

For the minister's information, I should also point out that the interim report of that committee stated, "The rate of decline," that is, of mercury concentration, "is now so gradual that fish in this lake are expected to continue to exceed the guidelines for human consumption for a long time, probably for many decades, unless effective remedial measures are taken."

Can the minister tell us what remedial measures are being taken and when this report on the mercury contamination of this river system is going to be tabled in the Legislature?

**Hon. Mr. Sterling:** Mr. Speaker, I believe the report is being undertaken for the Ministry of the Environment. Although I was involved with the negotiations with the Islington band in relation to the social and economic policy as we promised in 1978, and we have been negotiating with them for the past five years, I did not deal specifically with the environmental problem of the English-Wabigoon rivers. Therefore, I would



direct the response to my colleague the Minister of the Environment.

**Hon. Mr. Brandt:** Mr. Speaker, as I think the honourable member is aware, Environment Canada along with my ministry is conducting a study of the levels of mercury pollution in the English-Wabigoon. That study should be completed very shortly.

It is a co-operative undertaking between the two levels of government and I would be pleased to release that study as soon as it is completed and available to me. I have not seen it yet. I cannot give the honourable member a confirmed date, but my understanding is that it will be soon and I hope it will be early in the new year. I shall be happy to get back to him at that time.

**Mr. J. A. Reed:** I thank the minister for confirming that it is now more than two years overdue and may well be even longer before we get to see that report and before any remedial measures can be taken.

In regard to the subject of unfinished business, I would ask the Provincial Secretary for Resources Development about the assumption of certain responsibilities undertaken by Great Lakes Forest Products when the company was involved in the transaction regarding Reed Ltd. I wonder if the minister would confirm with us whether the Premier (Mr. Davis) has met with the president of Great Lakes Forest Products on this matter and if there is any concern being expressed to that company about settling its obligation?

**Hon. Mr. Sterling:** I know the Premier did meet with the president of Great Lakes Forest Products some time ago. I do not know if he has recently met with the president.

On November 14 of this year I met with the Honourable John Munro, president of Great Lakes Forest Products, the chief officer of the Grassy Narrows band and Chief Mandamin of the Whitedog band and indicated our displeasure that an agreement had not been reached between Great Lakes Forest Products and the two bands. I must admit the federal Minister of Indian Affairs and Northern Development, the Honourable John Munro, took the same tack and agreed with me that a settlement was long overdue.

As a result of the meeting with Mr. Munro and with the president on November 14 in Ottawa, there was a promise that they would bring forward an offer of settlement to the two bands within a month, so we are getting very

close to the end of that period. I understand that in the next few days there may be some offer made to the bands from the paper company.

**Mr. Wildman:** Mr. Speaker, can the minister confirm that Reed Ltd. has indicated it is prepared to participate in a significant way and that the holdup in terms of reaching an agreement with Great Lakes Forest Products was not, as Great Lakes tried to indicate, a result of the reticence of Reed to participate in the settlement?

**Hon. Mr. Sterling:** Mr. Speaker, I cannot confirm the internal dispute between the two paper companies one way or the other or say what was wrangling and what was not wrangling. All I know is that they are jointly negotiating with the Indian bands and I stated our clear displeasure. Whatever wrangling there was between the two companies should be settled between the companies. They should be dealing with the two bands and seeking a resolution.

**Mr. J. A. Reed:** If I understood the minister's response to me, Mr. Munro actually called on the paper company regarding this concern. I would like to ask the minister why that was so when this settlement is a provincial responsibility?

**Hon. Mr. Sterling:** As a matter of fact, this is not a provincial or a federal responsibility; it is a matter between the Indian bands and the paper companies. It is purely a civil matter in law between those two companies. If a settlement cannot be reached, there has been a threat of a suit by the bands against the paper companies and they will seek their remedy that way.

**2:40 p.m.**

The only involvement the provincial government has had was to encourage the purchase of the company by Great Lakes Forest Products from Reed Ltd. We said to Great Lakes and Reed that we would limit their liability to \$15 million total from any source, be it the bands, tourist operators, any citizen of Ontario or any other citizen who would have a legitimate legal claim. That has been our only involvement and that is the way our involvement has stayed. It is entirely a matter between the bands and the paper companies.

#### ACTIVITIES OF POLICE

**Mr. Sargent:** Mr. Speaker, on a point of very urgent public importance: At this moment the Ontario Provincial Police are searching the homes of the leaders of the Canadian Farmers' Survival Association. I want to tell the Attorney General (Mr. McMurtry) and the Solicitor General (Mr. G. W. Taylor) that we have had a



bellyful of this extortion on the part of these OPP. They are using—

**Mr. Speaker:** Order, please. The member for Grey-Bruce, please resume your seat.

[Later]

**Hon. G. W. Taylor:** On a point of order, Mr. Speaker.

Interjections.

**Mr. Speaker:** Order. The Solicitor General on a point of order.

**Mr. Martel:** On a point of order, Mr. Speaker.

**Mr. Speaker:** We already have a member on a point of order.

**Mr. Martel:** Mr. Speaker, you did not recognize the point of order of the member for Grey-Bruce; how can you now allow a statement by the Solicitor General in response to something you did not recognize?

**Mr. Speaker:** I have no idea what the minister is going to say. Despite my many talents, as somebody said the other night, clairvoyance is not one of them.

**Hon. G. W. Taylor:** Mr. Speaker, on a point of order: I am pretty sure the member for Grey-Bruce used the word "extortion" earlier. I am sure he would like to withdraw that word in regard to the carrying out of the function of the Ontario Provincial Police.

**Mr. Speaker:** If the member for Grey-Bruce did use that language, I would ask him to withdraw it.

**Mr. Sargent:** I will check it out with my lawyers. Thank you very much.

**Mr. Speaker:** No. I think I am the only "lawyer" in this House who makes those decisions.

**Mr. Sargent:** If you want to hear the proper wording of what I wanted to say, I will tell you.

**Mr. Speaker:** All you have to say is, "I withdraw, Mr. Speaker."

**Mr. Sargent:** If you guys were in the same situation, you would do the same damned thing.

**Mr. Speaker:** Order.

**Mr. Sargent:** I still think it is extortion.

**Mr. Speaker:** Order.

**Mr. Sargent:** You are using the banks to collect the money for them.

**Mr. Speaker:** Order. Will the member please withdraw those remarks.

**Mr. Sargent:** It is no reflection on them. I am talking about the system; that is all. I will take back what I said to you, the Solicitor General and the Attorney General.

**Mr. Speaker:** The language is unacceptable and I would ask you to withdraw it.

**Mr. Sargent:** I will withdraw it.

**Mr. Speaker:** Now the member for Sudbury East (Mr. Martel) is happy.

## ELECTION LEGISLATION

**Mr. Conway:** Mr. Speaker, I have a question to the government House leader, who, in introducing the package of reforms to the Election Act today, stressed the importance of adjusting the electoral process in Ontario to "the contemporary environment."

Can the government House leader indicate if, as and when he will be introducing in this House amendments to the election expenses legislation to establish, in the light of the contemporary environment, very clearly understood limits at the local level to control spending in the several electoral districts, in view of the fact that, according to the Ottawa Citizen of Monday, December 12, and according to Progressive Conservative sources, the government party is preparing to spend in excess of \$100,000 in the current by-election in the united counties of Stormont, Dundas and Glengarry, an electoral district where federally the ceiling is a third of that alleged amount?

**Hon. Mr. Wells:** Mr. Speaker, I do not have any immediate plans to introduce any amendments to the Election Finances Reform Act.

**Mr. Conway:** There are people in the far east who think it is a "buy-election," b-u-y.

Interjections.

**Mr. Speaker:** Order.

**Mr. Conway:** A supplementary question, Mr. Speaker.

Interjections.

**Mr. Speaker:** Order.

**Mr. Conway:** How can the government House leader expect the people of Ontario to believe he is adjusting to "a contemporary environment" if the government is not prepared, particularly in this the day, month and age of restraint, to move quickly to cap the expenditures at the local level so that we as taxpayers will not be forced to see and subsidize these six-digit amounts that are spoken of by Progressive Conservative sources in Stormont, Dundas and Glengarry and so that we are not asked to subsidize the Treasurer (Mr. Grossman), who in the last campaign expended some \$130,000 in a riding where federally the limits are much lower than that?

**Hon. Mr. Wells:** I feel like getting up to thank the speaker right now. If the member opposite takes a look at our Election Finances Reform Act, I think it is a better act than the federal act. We have put more stringent limits on the amount that can be contributed by corporations and individuals—

Interjections.

**Mr. Speaker:** Order.

**Hon. Mr. Wells:** —and we have brought a degree of openness to campaign financing. It is incumbent, I believe, upon each individual member to decide how much he wishes to spend on his campaign. Let me also remind my friend that we do have limits on advertising expenditures in our financing act.

**Mr. Cassidy:** Mr. Speaker, does the government House leader not feel there is something cynical in the government suddenly being prepared to lavish more than \$100,000 in campaign expenditure in a riding it has effectively ignored in respect of job-creating investments or job-creating programs over the course of the last 10 years? Why does the government not get its priorities right?

**Hon. Mr. Wells:** Mr. Speaker, I do not know where this \$100,000 figure came from because—

Interjections.

**Mr. Speaker:** Order.

**Hon. Mr. Wells:** —I have not had anything to do with the financing of that by-election.

**Mr. Martel:** Put some limits on it.

**Mr. Speaker:** Order.

**Hon. Mr. Wells:** I want the members to remember that they will know from a completely open statement, who contributed to that campaign. I draw the members' attention to the fact that we do have an open financial contribution process. We do have a limit on advertising expenditures in our act.

**Mr. Martel:** Why do you not put a limit on the spending?

**Mr. McClellan:** Put a lid on it.

**Mr. Conway:** Mr. Speaker, accepting regretfully, as I must, that the government House leader is prepared to allow the outrageous tax expenditure to continue with unlimited local expenditure at the riding level, will he investigate and report back to the House on the situation in regard to a number of his colleagues who are actively campaigning for the leadership of the Progressive Conservative Party, a position we read in the press is soon to be vacated?

Can the minister indicate that the government election expenses procedure will not allow any leadership candidate to use the tax benefits provided in that act to build a multi-thousand dollar leadership war chest, as appears to be the case when one reads about the war chests of the member for Don Mills (Mr. Timbrell) and the member for St. Andrew-St. Patrick (Mr. Grossman)?

**Hon. Mr. Wells:** Mr. Speaker, the Commission on Election Contributions and Expenses has made some very clear rulings that apply to the member's leadership campaigns, to ours and to those of the New Democratic Party, on what can and cannot be spent. I think we will all abide by those rulings.

Someone mentioned where everybody is going tonight. I seem to recall reading in a newspaper somewhere—I cannot recall which paper—that a certain friend of the member's will be at that dinner tonight. He is running in a riding in west Toronto called Spadina and he is spending about \$750,000 to win that riding.

2:50 p.m.

#### CHILD ABUSE

**Mr. Rae:** Mr. Speaker, my question to the Attorney General follows the rather extraordinary exchange between the member for Hamilton Centre (Ms. Copps) and the Minister of Community and Social Services (Mr. Drea) that most of us in the House had the misfortune to watch.

I would like to ask the Attorney General to consider the law in this question and, in particular, whether to consider having a close look at subsection 52(4) of the Child Welfare Act which, subject to two specific exceptions, subsections 52(5) and 52(10), states as follows:

"Subject to subsections 5 to 10 and notwithstanding the provisions of any other act, no person shall inspect, remove, disclose, transmit, or alter or permit the inspection, removal, disclosure, transmission or alteration of information maintained in the register established under subsection 3."

I wonder if he would look at the statements that have been made outside the House—by the minister, by the member for Hamilton Centre and by others, as far as I am aware—look at statements that were made in this House with respect to the identity of certain persons whose names may or may not appear on the registry in question, and inquire as to whether or not there has been a breach of the statute in this matter.

**Hon. Mr. McMurtry:** Mr. Speaker, from what the leader of the New Democratic Party has stated about the legislation, I have not heard anything that would indicate there was a breach of the statute, certainly as far as the Minister of Community and Social Services is concerned, but in view of the honourable leader's request, I will review the legislation in the context of the question that was asked.

**Mr. Rae:** I want to make it very clear to the Attorney General that we regard the confidentiality of that list, the lack of identity, the fact that names are withheld, names are not mentioned on the list and names of children are not dragged before the public, as absolutely sacrosanct. We understood that was the intention of the legislation and the wording of the legislation as contained in section 52.

I would ask the Attorney General, as the result of statements that have been made outside this place or inside this place, if it is now the case that someone has been identified and information with respect to the registry has been disclosed—and "disclosure" is the exact word in the statute—and if he would consider whether or not in the strict terms of the law there has been some kind of breach of the confidentiality requirements of the act.

**Hon. Mr. McMurtry:** I know of no one more concerned about the confidentiality of this legislation than the Minister of Community and Social Services. Given his distinguished service in this portfolio and given the fact we have discussed these matters on a number of occasions, I have no doubt that he gives the highest respect, the highest priority to what the leader of the New Democratic Party properly refers to as the importance of this confidentiality.

In view of the member's question with respect to what is purported to have been said or not said, I will review the matter and I will be prepared to offer an opinion, if that is what is being sought of the senior law officer of the crown, as to whether there has been a breach.

**Mr. Speaker:** Final supplementary, the member for York South.

**Mr. Rae:** No, it is a new question, Mr. Speaker. I think the Attorney General has told me what I wanted to find out.

[Later]

**Ms. Copps:** Mr. Speaker, on a point of privilege: I do not have the rough Hansard but I understand that in my absence a question was raised about a breach of the Child Welfare Act in consideration of the discussion. I wanted to

make sure it was read into the record that this particular incident has been a matter of public record for some months.

### EXTRA BILLING

**Mr. Rae:** My question is to the Treasurer, who was here. I know the delegate search is a long and difficult one for him, but I gather he was in the chamber and then he was out. Now he is in again.

**Mr. Ruston:** He is right there. There is Frank.

**Mr. Rae:** No, he is not the one. It is the new one I want. It was my understanding that the Treasurer was in the House. His book is here. Maybe he is checking the figures on Mr. Coutts; I do not know. Is he coming or not? I do have a number of questions for him.

**Mr. Speaker:** I do not know where the Treasurer is. Would you place your question to somebody else, please?

**Mr. Rae:** No. With great respect, Mr. Speaker, we are given a list of ministers who are going to be here. The Treasurer said he was going to be here and he was here earlier. The leaders' questions are not over and none of the rest of question period has taken place. If he said he was going to be here, surely he can be here.

**Mr. Kolyn:** Here he comes.

**Mr. Martel:** Is he standing up or kneeling?

**Mr. Speaker:** Perhaps the member for York South could place his question, please.

**Mr. Rae:** Somehow the apple looks most appropriate on your desk today. I don't know why.

My question is to the Treasurer and it concerns his response to the announcement yesterday in Ottawa with respect to the Canada Health Act. Why is it the position of the Tory government of this province that the people of Ontario should be taxed extra, either in health care premiums or in some other tax the Treasurer intends to impose, in order to pay an extra \$50 million or \$60 million to a privileged few doctors who are already billing extra outside a system that has been negotiated between the government of Ontario and the medical profession? Why is he threatening to tax the people of this province with respect to extra billing?

**Hon. Mr. Grossman:** Mr. Speaker, what we said yesterday was that we need some time to review the bill. In glancing at it initially after all the promised consultations, it appears to us that the bill has far more to do with the federal government taking yet more money out of the



Ontario health care system and providing themselves with more visibility at the same time for the great things they want to tell the people they are doing.

That seems to be the thrust of the bill when we get right down to the sum and substance of it. Until we have had a chance to review the bill and consult in a true sense with all those affected by it and perhaps with the federal government, unlike what the federal government has done, we think it is premature to comment further at this time.

**Mr. Rae:** With great respect, the minister was not such a wilting, shrinking violet last night on television when it came to expressing the views of the government of Ontario.

**Mr. Speaker:** Question, please.

**Mr. Rae:** Why is he not prepared to be as forthright in his defence of extra billing and of the system that has grown up in this province as he was last night on television? I do not quite understand what has suddenly grabbed hold of his tongue in giving a response to a basic question.

Why has he gone around this province and made statements consistently saying he is determined to maintain the extra billing system, which is producing 11,000 claims a day on an extra billing basis in this province? Why is he threatening to tax the people of this province when we have already negotiated an arrangement with the doctors of Ontario that should satisfy every single member of the medical profession in this province who can and should be practising within a fully insured system?

**Hon. Mr. Grossman:** First, the defence of extra billing and the success of our system does not have to be handled by this minister. Our Minister of Health (Mr. Norton) is able to do it; he will be doing it and has been doing it.

Second, last evening when I was interviewed, I was dealing with the percentages and the reality of the claim that Monique Bégin is putting out in order to set up a real circumstance that she thinks only she can ride in and solve, where she was suggesting that extra billing has now reached crisis proportions across this country and, instead of providing more money to the health care system to solve it, she was going to provide less money.

**3 p.m.**

If the member watched quite carefully, the point I was making last evening was that five years ago when Mme Bégin says she first started to worry about this problem, 18 per cent of the

doctors in this province had opted out and about nine or 10 per cent of all bills were extra billed. Now, when she says the problem is of monumental importance and presenting a monumental threat to the health care system, those figures have declined substantially. So now, not 18 per cent of the doctors, but 14 or 15 per cent have opted out and only four or five per cent of the bills are extra billed.

Many people are billed two and three times, or 20 or 30 times, in the course of a year if they are going to a psychiatrist, for example. The actual number of people in this province who are being extra billed is probably in the area of three or four per cent. That is significantly better and significantly fewer in terms of the number of people affected than was the case five years ago.

The point I was making was that as we come up to the next federal election, the federal government wishes to hold up this brand new spectre of a sudden threat to the health care system. The only significant changes to the health care system in the past five years have been as follows: (1) significantly less opting out and extra billing; (2) a far greater, far better funded Ontario health care system than was the case five years ago; (3) the majority of that funding has been provided not by the federal government but only by the taxpayers of Ontario; and (4) during that five-year period the contribution made by the federal government of Canada, which is now wringing its hands over the health care system, has declined from 49 per cent support to 41 per cent support in Ontario.

That is the travesty and the sham they are putting up to help their chances at the polls next year.

**Mr. Roy:** Mr. Speaker, surely the minister knows full well that the problem with extra billing is not so much the total number, or percentages, but the selective opting out by certain specialists. We heard horror stories about this all last fall and over the past couple of years. Surely the minister knows that is basically the problem.

Why does the minister not show some leadership? If the health plan of this province requires additional funds, why does he not show some leadership, pump more funds into the plan and not leave it up to doctors to decide who should put in more money in the plan, and which patient should pay and which patient should not?

Once the minister has negotiated an agreement with the doctors, as he did a year or two

ago, why would he not have sufficient guts to say to them: "You have made an agreement; you are within the plan. Those of you who want to get out of the plan or extra bill are completely out of the plan"?

**Hon. Mr. Grossman:** Mr. Speaker, the system the honourable member describes is the one favoured by the federal government of Canada. If he reads yesterday's statement in full, he will find it would do what he has described, which in essence is to try to bring to Ontario the kind of medicare plan they now have in Quebec. The federal government is trying to force the Quebec model on Ontario and the other provinces.

The Quebec plan has had very predictable consequences over the past few years; one of them is that a number of very fine specialists who used to practise in Quebec are now practising in Ontario.

When the member goes home this weekend, I challenge him to ask people just across the border which province they feel has the better health care plan, the more accessible plan and the more comprehensive plan. The answer invariably will be the Ontario plan and not the Quebec plan. Yet the federal government wants to say, and I take it the member supports what it is doing, that everyone in this country will be better served if only it can bring the Quebec medicare plan to the rest of the public.

**Mr. Roy:** That is not what we are saying.

**Hon. Mr. Grossman:** The member is saying that.

**Mr. Cooke:** Mr. Speaker, last night the minister stated again, as he has in the past, that the only people who are extra billed are those who can afford it, the rich in this province. How can the minister make that silly statement when the fact of the matter is that many cases involving extra billing of people who are retired and on pensions, such as Mr. Sikkes from Guelph, Mr. Spencer from Windsor, a Willowdale man and another Guelph man, have been brought to the attention of this Legislature?

How can the minister continue to make the statement that only the rich are being extra billed when the facts of the matter are that it is not just the rich; it is people on fixed and low incomes? The only way they can get opted-in rates is to beg for charity medicine. Is that the kind of system the minister endorses?

**Hon. Mr. Grossman:** Mr. Speaker, the honourable member has been through this many times before, but let us put this in perspective. There are 60 million claims a year going through

the Ontario health insurance plan. Three or four per cent of the public is extra billed. Thanks to a regulation brought in by this government last year, every person receiving extra billed services has to have prior notification. I think that equips those people to make the proper judgement of whether they can afford to pay that extra billed amount.

Let me be clear. Unlike the members of the New Democratic Party, we do have some confidence in the medical profession not to bill those who have notified them that they cannot afford to pay. I do believe that system can and does work well, although there will be cases where judgement will not be as I would like to see it. However, for the federal government to say to the taxpayers of Ontario, because of the few times a year when there will be a problem with the system, "We, the federal government, are now going to take \$60 million out of your health care plan" is the height of carelessness and the kind of unfair, over-reactive, politically based reaction we have become used to.

Let me say one other thing. Since Monique Bégin has said quite clearly that she believes doctors across Canada perhaps will have to be compensated over and above the current compensation plan if they are to be opted in, then the necessary consequence is that if there is not extra billing, every resident of Ontario will have to pay that extra amount. How do they pay it? They pay it through retail sales tax, personal income tax and all the other taxes they pay in this province.

The very people the member is concerned about, those on fixed incomes and in the low-income bracket, will be the recipients of the federal government's plan saying, "Let us move it away from three or four per cent of the people at the top end and move the tax load to those people." If the member defends that—

**Mr. Speaker:** Order. Thank you.

#### NIAGARA GRAIN AND FEED BANKRUPTCY

**Mr. Riddell:** Mr. Speaker, I have a question for the Minister of Agriculture and Food. First, let me say that my initial reaction to the appointment of Clayton Switzer, a man with an agricultural background, as the new deputy minister is favourable.

**Mr. Speaker:** Question, please.

**Mr. Riddell:** My question is to the minister following his reply to us last week concerning the receivership of Niagara Grain and Feed

Ltd., an elevator company in Smithville, which has left more than 85 producers uncertain of their financial future.

Now that ministry officials have done a further investigation of the amount of grain in storage, will the minister confirm information we gave him last week that some 35 per cent of the corn is missing from the elevators? Do his records indicate, as ours do, that while only 2,500 metric tons of corn are accounted for, there are farmers who hold corn receipts for 1,832.5 metric tons, there are other farmers who hold way tickets for corn in the grain bank for 2,004 tons and there are some 1,400 metric tons unaccounted for?

Will the minister also confirm the information we have received that the corn has been missing from the first week of November, when the chief inspector was first notified of this matter?

**Hon. Mr. Timbrell:** Mr. Speaker, the investigation is not completed. In particular, the process the chief inspector, Mr. Taylor, is going through to verify the way tickets is not completed. The last time I spoke with him, late last week, I understood he was working towards having that completed by this Friday; that was his hope.

I can say that following up on a statement which I believe the member for Kent-Elgin (Mr. McGuigan) made last week regarding a conversation that a gentleman—I cannot recall his name—had with Mr. Taylor—

**Mr. Riddell:** He is going to have a supplementary.

**Hon. Mr. Timbrell:** I rather suspected he might. Mr. Taylor has confirmed that on the date the gentleman called him—that date, I believe, was November 9—there was sufficient grain in the elevator.

Quite frankly, I think we do no one any service by perpetuating or starting any more rumours; there are more than enough now surrounding this situation. As I have said repeatedly, when all the information is in, I will be more than happy to share that information with the members and with the public, to get to the bottom of it.

3:10 p.m.

**Mr. McGuigan:** Mr. Speaker, under the Grain Elevator Storage Act, the minister has the authority and the duty to appoint a chief inspector and such other inspectors as he considers necessary to enforce the act.

Can the minister tell us why he only has one

full-time chief inspector and one part-time inspector to inspect some 280 elevators licensed under the act? Does he feel it offers producers sufficient protection to have one person to try to visit these elevators? When we work this out, it is less than one day per elevator per year. In addition, the inspection he carries out is only a book inspection when what is really required is for someone to climb up and ascertain whether or not there is grain in those silos.

Would the minister not agree that this horse-and- buggy system is out of whack and should be corrected very soon to guard those other elevators which, a lot of us fear, are perhaps vulnerable today?

Finally, can we have the minister's assurance that his government will guarantee payment to both the people in the grain bank and the people who have storage receipts? Also, will the storage be released very shortly to these farmers?

**Hon. Mr. Timbrell:** Mr. Speaker, in answer to those five or six questions, it has been the experience of the ministry to date that Mr. Taylor, acting in his role as chief inspector and assisted from time to time by a part-time inspector, has been able to quite ably carry out the responsibilities that are incumbent on him under the act.

**Mr. Kerrio:** How can you say that?

**Mr. Speaker:** Order.

**Hon. Mr. Timbrell:** Unless we are going to have an inspector at every one of the 280-odd elevators overseeing every transaction, obviously we have to operate under a system whereby the inspector follows up on complaints and evidence of any alleged or verified wrongdoing.

It still keeps coming back to the fact that when we are talking about a licensing system, at least in the agricultural field, the only way we are ultimately going to have a complete protection package is with rigorous licensing and a financial protection fund contributed to by the producers and possibly by processors or the other part of the industry. That is the only way we can have a complete protection plan. Otherwise, if we have strictly a licensing system, there is no way we can guarantee that the records reviewed in one month will not have changed six months later because of any number of factors that can impact on a company. So we really do need both parts.

**Mr. Riddell:** You will not even see that the new act is proclaimed. What about proclaiming the act?

**Mr. Speaker:** Order.



**Mr. Swart:** Mr. Speaker, I wonder whether the minister will confirm that cheques worth something like one third of a million dollars issued by Niagara Grain and Feed Ltd. have now bounced. These cheques were for grain that was purchased and is no longer anywhere near the elevator and is in addition to this shortfall in the grain that was stored.

I also wonder whether the minister will confirm that his own lawyers are now starting to admit that had the amendments to the Grain Elevator Storage Act been in effect, as they would have been if it had not been for his negligence, there would have been far superior protection for those farmers who had agreements for sale; there are numbers of them.

Will the minister also confirm there is growing evidence that the Bank of Montreal knew about what was taking place at least, perhaps even directing it for weeks or months before the bankruptcy or the insolvency? The bank may well have been a party to the selling of grain that had never been paid for.

Will the minister also confirm there is growing evidence that the Bank of Montreal knew about what was taking place at least, perhaps even directing it for weeks or months before the bankruptcy or the insolvency? The bank may well have been a party to the selling of grain that had never been paid for.

If these facts are correct, will he not agree that it is his government and the Bank of Montreal that should be left holding that empty bag and not the farmers who sold their grain through this elevator company?

**Hon. Mr. Timbrell:** Mr. Speaker, as I indicated last week, all the rumours, including some perhaps begun by the honourable member, are being checked out.

**Mr. Swart:** The minister is so far out of touch.

**Hon. Mr. Timbrell:** Is the member interested in the answer or not? He can sit there and chew away.

We have had several meetings at very senior levels with the bank to ascertain the facts about its role with respect to this company. My staff is working on a daily basis with the receiver in question. I have already told the member that once we have all the facts, we will be more than happy to share them. Obviously, we want as much as anybody to get to the bottom of this.

I remind the member that the legislation in question, both the existing statute and the revised statute, which will be proclaimed when the regulations are completed, do not, never have and will not cover grain that is not in

storage. I cannot confirm at this point how many people have not-sufficient-funds cheques, and I cannot confirm the quantum of those cheques, but I can confirm that those transactions where there is a direct sale to a grain elevator have never been covered by the legislation.

**Mr. Swart:** Mr. Speaker, on a point of privilege: The minister stated over and over again on the introduction of this bill that the farmers would own the grain until they received the money.

**Mr. Speaker:** Order. That is not a point of privilege.

**Hon. Mr. Timbrell:** Mr. Speaker, on a point of privilege: I think the member is trying to leave an impression that is not correct. The act deals with grain in storage, and the principle in question covers grain in storage.

**Mr. Speaker:** Order. That is hardly a point of privilege.

#### ACTIVITIES OF REGIONAL CHAIRMAN

**Mr. Breaugh:** Mr. Speaker, I have a question for the Minister of Community and Social Services. Is the minister aware of the rather bizarre actions of the chairman in the region of Durham, Gary Herrema, who last week engaged in what some in town are calling a little bit of spying on the poor and unemployed? He disguised himself somewhat, sat around the social services offices for an hour and then promptly went out and had an interview with the Oshawa Times where he declared that most of the young people there really do not want to work, that welfare is too easy and that we should stop that by making longer lineups. Is he aware of those rather bizarre actions on the part of the chairman?

**Hon. Mr. Drea:** Mr. Speaker, I saw something in the newspaper about that.

**Mr. Breaugh:** The union involved is rather concerned that if one of their members had done this he probably would have been fired, or some disciplinary action would have been taken, because the General Welfare Assistance Act requires some confidentiality. Is the minister satisfied that the chief executive officer in the region of Durham feels quite free to sit around and listen to gossip for about an hour in the social services department and then report publicly that most of the people do not want work and that welfare is too easy and they should not get it? Is he happy with that situation?

3:20 p.m.

**Hon. Mr. Drea:** I am never happy when attitudinal responses to very important questions such as social assistance are conveyed as universal tenets. I do not understand how any member of the union could be charged for doing what the regional chairman did, because no names were used—at least in what I read—and no personal data or so forth were revealed. It was about the equivalent of a regional chairman going into a Canada Employment and Immigration office and asking attitudinal responses about work.

**Mr. Cureatz:** Mr. Speaker, does the minister feel assured that the chairman did not contravene any legislation in the method in which he attended the welfare office?

**Hon. Mr. Drea:** Mr. Speaker, I do not know of any legislation that prevents anybody from walking into a social assistance office and sitting there. The act and its confidentiality pertain to the revelation of details of personal data, family background and so forth. If somebody wants to go around and seek out how somebody feels today, that is his prerogative, especially when, as I understand it, he did not make any recommendations concerning whether there was eligibility or not.

#### LENGTH OF JAIL SENTENCE

**Mr. Roy:** Mr. Speaker, my question is to the Attorney General and it involves a case that is of very great concern in the Ottawa-Carleton area, the unfortunate death of a young man by the name of Jason Verdon and the subsequent sentence of an individual by the name of Dionne to two years in jail.

The Attorney General will recall that Dionne was originally charged with first-degree murder in connection with the death of Jason Verdon and was subsequently discharged after a very lengthy preliminary hearing. The crown at that time undertook to prefer an indictment and subsequently the matter was apparently resolved when a charge of criminal negligence was laid. Dionne pleaded guilty to that charge and was sentenced to two years less a day.

Can the Attorney General confirm that the decision to appeal this sentence was made by him? Can he give the House assurances that he did not launch this appeal as a result of community pressure from the city of Ottawa and, more specifically, a petition, apparently by the mother, of some 3,000 names?

Second, can the Attorney General assure the House that in launching this appeal he is not in breach of an agreement or undertaking on the

part of his crown attorney in Ottawa, who apparently, according to defence counsel, had not objected and, in fact, is quoted as saying on sentence that the sentence of two years was not unreasonable?

**Hon. Mr. McMurtry:** Mr. Speaker, the appeal was launched after a lengthy discussion with the Deputy Attorney General and the director of the criminal law division of the ministry, who felt that an appeal was appropriate in the circumstances, and not as a result of any community pressure. I am satisfied that no commitment was made by the crown attorney in relation to a sentence of two years. As a matter of fact, I have seen some correspondence to the contrary.

**Mr. Roy:** I know personally all of the people involved in this case, defence counsel Mr. Scott Milloy and Mr. Bill Carroll, and the crown attorney Mr. Mac Lindsay. They are all very honourable people. But defence counsel is quoted as saying after the appeal was launched, "In 14 years of practising criminal law I have never had a trick like this played on me." He goes on to say, "Lindsay," apparently the crown attorney, "had given an oral undertaking not to appeal the two-year sentence." These are the quotes from defence counsel.

Can the Attorney General advise whether in launching this appeal in these circumstances there is not some possibility that he will undermine the discussions between crown and defence counsel, which, as he knows, in the administration of criminal justice at least, are a very important factor? If the principle of free discussion is undermined, then the whole administration of justice could be jeopardized.

**Hon. Mr. McMurtry:** The statements attributed to the defence counsel that were read by the member for Ottawa East are certainly consistent with what I have read, but these allegations are quite inconsistent with the facts as given to me. The information I have is that there was no such undertaking.

While I regret there is this difference of opinion between the defence counsel and the crown attorney, I do not think for a moment that a difference of opinion in this particular case is going to undermine the administration of justice in this province.

**Mr. Cassidy:** Mr. Speaker, will the Attorney General undertake to report back to this House on the question of whether this plea bargaining which takes place in the courts of Ontario goes so far as plea bargaining over the actual form or



length of the sentence? I think the public would be extremely disturbed if it was the position of the crown attorneys that not only were they prepared to plea bargain over which offence the accused would plead guilty to but also over how long the sentence would be.

Can we have an assurance there is not that kind of plea bargaining taking place and that will not be the position of crown attorneys in the future?

**Hon. Mr. McMurtry:** Mr. Speaker, the plea discussions that take place often do revolve around what is in the public interest. As far as the position of the crown attorney is concerned, it is very clear in the instructions laid down over the years, not just by myself but by my predecessors, that any discussions and any agreement that might be reached must be in the public interest.

Certainly the appropriateness of a certain term of sentence is discussed from time to time but it should be understood that while a crown attorney in a particular case may say that in his or her view a sentence or a particular range of sentence would be appropriate, the trial judge is in no way bound by the submissions of crown counsel or defence counsel and indeed must come to his own independent conclusion as to what is the appropriate sentence.

#### LEADED GASOLINE

**Mr. Charlton:** Mr. Speaker, I have a question for the Minister of the Environment. The minister is no doubt aware of the stated intention of Mr. Caccia, the federal Minister of the Environment, to announce some time in January a program for the phasing out of the use of lead in gasoline. Can the minister confirm the existence of an interministerial committee or task force in the ministries of the Environment, Health and Labour which has been set up to look at the question of lead and lead emissions from gasoline?

**Hon. Mr. Brandt:** Mr. Speaker, I do not believe Mr. Caccia or the people at Environment Canada have indicated arbitrarily that they are going to phase out lead in gasoline completely. I think what they have indicated is there a possibility of a complete and total phase-out. There is also a possibility of a reduction in lead in gasoline that may be the equivalent of the United States standard, so there is no assurance at this point that lead in gas is going to be completely phased out.

On the second part of the question, there is an interministerial task force which is looking at appropriate levels and that is the case not only

with respect to lead in gas but other contaminants as well. In the ministries he mentioned, they do look at those questions and lead in gas is one of them.

**Mr. Charlton:** Why does the minister not announce when he has an interministerial task force looking at questions like this so that interested parties out there in the research community and the public at large can have contact with that task force and perhaps even have some input with it?

Also, can he explain why a memo was sent in July this year to the deputy ministers of the Environment, Health and Labour suggesting the study which this task force is doing should provide reassurance that the health of children in Ontario is not at undue risk as a consequence of ongoing use of lead in gasoline, when we know the lead is causing problems and it is a matter of reduction, if not total elimination?

3:30 p.m.

**Hon. Mr. Brandt:** I am not familiar with the specific memo the honourable member is referring to, but I can say with respect to the question of lead in gas that it is not the only source from which lead is ingested into the body, as I am sure the member is aware. There are other mechanisms by which lead can be transferred and one of them is through the food chain by the use of food from cans, as an example. It is estimated that somewhere in the order of 70 per cent of all lead in the human body is ingested by way of the food chain rather than by way of lead in gas.

The case is not quite so well defined and so assured as the member would suggest with respect to lead in gas. The issue is being looked at very carefully by the federal government. It is a federal issue, not a provincial issue. We have provided the federal government with the information we have available to us, the studies and resources we have, in order to assist with coming to an appropriate conclusion on the question, but it is a federal matter and is being addressed by Mr. Caccia at that level of government.

**Mr. McGuigan:** Mr. Speaker, I wish to say that I share the member's concern about children's health. Is the minister aware there are other ways of reducing the octane number of gasoline other than lead? The principal way is by using an alcohol mixture along with gasoline. This movement is alive and well in the United States. They are selling gasohol over there and manufacturing alcohol for that purpose.

The time is just perfect for that as the



payment in kind program, the acreage reduction program, comes off in the United States. As they come back into full production in grains for next year there is going to be ample grain available to produce that alcohol to solve the problem of children's health, the problem of octane rating and the problem of surplus corn stocks. There is a role in this for Ontario. Is the minister aware of this?

**Hon. Mr. Brandt:** Yes, I am, Mr. Speaker. I say to the member that there are a number of other additives that could be used to substitute for lead in gas and we are aware of those as well; benzine being one. The concern on the part of the Ministry of the Environment is that some of those additives could be even more hazardous than lead in gas. Before any of those additives are considered by way—

**Mr. J. A. Reed:** Hazardous? Alcohol?

**Hon. Mr. Brandt:** I did not say the one he mentioned. I said some of the additives that could be considered are more hazardous than lead in gas. We would like to know what the alternative would be before we would approve of it. We are looking at the lead in gas question, yes.

## PETITIONS

### INFLATION RESTRAINT LEGISLATION

**Mr. Mitchell:** Mr. Speaker, I have a number of petitions addressed to the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario:

"We, the undersigned teachers, beg leave to petition the parliament of Ontario as follows:

"Whereas we oppose the extension of the Inflation Restraint Act because it is inequitable in its application to the citizens of Ontario and restricts our basic free collective bargaining rights—

**Mr. Foulds:** You are going to vote against it on third reading tonight, are you not?

**Mr. Mitchell:** I, none the less, have the right to introduce the petition no matter what my position is.

Sorry for the interruption, Mr. Speaker.

"Whereas we believe that an extension of the act or measures which will have a similar effect would violate the spirit of the Canadian Charter of Rights and Freedoms;

"We petition the Ontario Legislature to restore our free collective bargaining rights forthwith under Bill 100, the School Boards and Teachers Collective Negotiations Act."

**Mr. Gillies:** Mr. Speaker, I am pleased to present a number of petitions to the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario:

"We, the undersigned teachers, beg leave to petition the parliament of Ontario as follows:

"Whereas we oppose the extension of the Inflation Restraint Act because it is inequitable in its application to the citizens of Ontario and restricts our basic free collective bargaining rights; and

"Whereas we believe that an extension of the act or measures which will have a similar effect would violate the spirit of the Canadian Charter of Rights and Freedoms;

"We petition the Ontario Legislature to restore our free collective bargaining rights forthwith under Bill 100, the School Boards and Teachers Collective Negotiations Act."

**Mr. McEwen:** Mr. Speaker, I have a petition signed by 21 teachers from North Addington Education Centre. The petition reads:

"To the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario:

"We, the undersigned teachers, beg leave to petition the parliament of Ontario as follows:

"Whereas we oppose the extension of the Inflation Restraint Act because it is inequitable in its application to the citizens of Ontario and restricts our basic free collective bargaining rights; and

"Whereas we believe that an extension of the act or measures which will have a similar effect would violate the spirit of the Canadian Charter of Rights and Freedoms;

"We petition the Ontario Legislature to restore our free collective bargaining rights forthwith under Bill 100, the School Boards and Teachers Collective Negotiations Act."

## INTRODUCTION OF BILLS

### ELECTION ACT

Hon. Mr. Wells moved, seconded by Hon. Mr. McMurtry, first reading of Bill 153, An Act to revise the Election Act.

Motion agreed to.

### GAME AND FISH AMENDMENT ACT

Mr. Philip moved, seconded by Mr. Swart, first reading of Bill 154, An Act to amend the Game and Fish Act.

Motion agreed to.

**Mr. Philip:** Mr. Speaker, this bill bans the use of leghold traps on land. The bill has the support of the Canadian Federation of Humane Socie-

ties, the Ontario Humane Society, the Canadian Association for Humane Trapping, the International Fund for Animal Welfare, Greenpeace and a number of other animal welfare groups.

The major concepts of the bill have also met with the support of various trappers who consider these approaches moderate.

### TECHNOLOGICAL CHANGE ACT

Mr. Cassidy moved, seconded by Mr. Foulds, first reading of Bill 155, An Act respecting Technological Change.

Motion agreed to.

**Mr. Cassidy:** Mr. Speaker, this bill responds to the needs of Ontario workers in the total absence of legislative protection in Ontario. It is, in fact, the first legislation dealing with technological change in Ontario.

**3:40 p.m.**

Legislation is needed because of the enormous impact that new technologies are having and will have on work in Ontario. While these new technologies promise enormous increases in productivity and competitiveness, they also have the potential to deskill workers, to dehumanize their work and to throw hundreds of thousands of Ontarians out of work.

Less than 20 per cent of Ontario workers have any protection against technological change through their collective agreements. The rest are now defenceless when it comes to making decisions about how technological change will affect their jobs.

The aim of this bill, therefore, is to allow both unorganized and organized workers to participate in managing the introduction of new equipment, new materials or new processes that would significantly affect job security or the way their work is carried out.

I believe workers are prepared to co-operate in adapting to technological change if their needs are respected. But workers have made almost no progress in the past few years in getting this protection through their collective agreements, and in the bargaining climate of the 1980s little more success can be expected through that route. That is why legislative action is both urgent and important in Ontario.

I want to pay my thanks to Cornelia Schuh of the legislative counsel's office for assistance in drafting this bill which, among other things, is the first bill to be presented in the Ontario Legislature in both official languages.

Ce projet de loi répond aux besoins des travailleurs ontariens, afin de combler un vide

laissé par l'absence totale de protection législative dans ce domaine en Ontario. C'est la première fois qu'un projet de loi a été déposé dans cette Chambre dans les deux langues officielles du Canada.

Une loi est nécessaire en raison des répercussions considérables que les technologies de pointe continueront d'avoir sur le travail en Ontario. Les technologies de pointe annoncent une augmentation phénoménale de la productivité et de la compétitivité, mais elles risquent toutefois de rendre inutiles les compétences des travailleurs, de déshumaniser le travail et d'entraîner la mise à pied de centaines de milliers d'Ontariens de plus.

Moins de 20 pour cent des travailleurs ontariens sont protégés, dans leur convention collective, contre les changements technologiques. Les autres sont sans défense lorsqu'il est question de prendre des décisions qui entraînent des changements technologiques qui influent sur leurs emplois.

Ce projet de loi vise à permettre aux travailleurs, syndiqués ou non syndiqués, de participer à la gestion de l'introduction du matériel, des matériaux ou des procédés nouveaux qui influenceront sensiblement sur la sécurité d'emploi ou les méthodes de travail.

Je crois que les travailleurs sont prêts à coopérer et à s'adapter aux changements technologiques si on respecte leurs besoins. Mais ces dernières années, les travailleurs n'ont presque pas fait de progrès pour ce qui est d'inclure dans leurs contrats des clauses qui les protègent contre les changements technologiques. Vu le climat des années 1980, on ne peut guère s'attendre à plus de succès à l'avenir. C'est pourquoi il est impératif d'adopter sans délai des mesures législatives dans ce domaine en Ontario. Merci beaucoup.

### ORDERS OF THE DAY

#### HERITAGE WINDSOR ACT

Mr. Newman moved second reading of Bill Pr13, An Act to incorporate Heritage Windsor.

Motion agreed to.

Third reading also agreed to on motion.

#### OTTAWA CIVIC HOSPITAL ACT

Hon. Mr. Eaton moved, on behalf of Mr. Roy, second reading of Bill Pr43, An Act respecting Ottawa Civic Hospital.

Motion agreed to.

Third reading also agreed to on motion.



## CITY OF SAULT STE. MARIE ACT

Mr. Robinson moved, on behalf of Mr. Gillies, second reading of Bill Pr48, An Act respecting the City of Sault Ste. Marie.

Motion agreed to.

Third reading also agreed to on motion.

## TOWN OF HARROW ACT

Mr. Ruston moved, on behalf of Mr. Mancini, second reading of Bill Pr50, An Act respecting the Town of Harrow.

Motion agreed to.

Third reading also agreed to on motion.

## HUNGARIAN CANADIAN CULTURAL CENTRE (HUNGARIAN HOUSE) ACT

Mr. Williams moved second reading of Bill Pr54, An Act respecting the Hungarian Canadian Cultural Centre (Hungarian House).

Motion agreed to.

Third reading also agreed to on motion.

## ALEX MANOOGIAN CULTURAL CENTRE ACT

Mr. Robinson moved second reading of Pr56, An Act respecting the Alex Manoogian Cultural Centre.

Motion agreed to.

Third reading also agreed to on motion.

## PUBLIC COMMERCIAL VEHICLES AMENDMENT ACT

Hon. Mr. Snow moved second reading of Bill 139, An Act to amend the Public Commercial Vehicles Act.

**Mr. Cunningham:** Mr. Speaker, we in the Liberal Party will be supporting this amendment to the Public Commercial Vehicles Act. It is the product of a great deal of co-operation not only from the trucking industry and the Ontario Trucking Association, but also from the Ontario division of the Canadian Manufacturers' Association and other interested parties. A great deal of work was done within the regulation section of the ministry itself.

This has been an ongoing—I was going to say controversial—process, particularly since the tabling of the select committee report in 1976. Very simply, this process will allow us to rewrite the myriad licences existing within the province. This will add a great deal of clarity to the process. It will be a fundamental and basic aspect of the act once it is completed.

3:50 p.m.

It is a great step towards what I would call reregulation as opposed to deregulation which, we hope, will not only be fair to the people who have licences but which, once the entire process is complete, should create the legislative framework that will permit people who are interested in participating and applying for licences to obtain them through the regular process.

As we contemplate the selection of a sub-committee or commission not only to draft the regulations, but to be involved in the licence rewriting process itself, I would only say we seek a commitment from the individuals involved that they will see this project through to finality.

I would conclude by commending those who have been involved, both the individuals who were part of the responsible trucking program and, more particularly, the people within the ministry who have worked extremely hard to bring this legislation before us today. This is only the initial step in this process. Of course, there will be a requirement for further legislative changes, but I believe that when these become a reality, they will be an integral step to improving regulated transportation within Ontario.

**Mr. Samis:** Mr. Speaker, let me state even more briefly than my colleague that we in this party will support the bill. We support the overall thrust towards modernization and simplification of the Public Commercial Vehicles Act. This bill will begin that process. Naturally, we look forward next year with great interest to the actual legislation the minister intends to introduce. Since this bill will begin a process we support, we will wholeheartedly join in supporting this bill.

**Hon. Mr. Snow:** Mr. Speaker, I thank the honourable members for their comments. This is certainly a first, but a major step in the ongoing process of reregulating the truck transportation industry in Ontario. This bill will allow us to proceed with the process of rewriting the many hundreds and thousands of licences in the province in preparation for the next stage of the legislation, which I hope to bring before the House about a year from now or perhaps a little earlier.

With regard to the comments dealing with the rewrite committee I will be appointing, I understand what the honourable member is saying and his concerns. I will certainly discuss the ongoing process with those who accept this responsibility. I do not know for sure who they are going to be at this moment. Although I do not believe it will be possible to get a total



commitment, a hell-or-high-water sort of thing, they will be there for the period of time that will be necessary. It is not our intention to appoint someone who we anticipate may be leaving soon.

Motion agreed to.

Bill ordered for third reading.

#### TELEPHONE AMENDMENT ACT

Hon. Mr. Snow moved second reading of Bill 117, An Act to amend the Telephone Act.

**Mr. Cunningham:** Mr. Speaker, the Liberal Party will be supporting this amendment to the act. Rumours were out some time ago that we were going to have a completely new act. In the absence of that, this amendment is well conceived. In my view, it will assist the 30 or 31 independent investor-owned, municipally owned or subscriber-owned telephone utilities across Ontario to raise rates to accommodate the improvement and modernization of existing equipment.

Given our restraint program, it would be my hope that the rates in question would not be excessive, at least during the period of the program. That would only undermine the broad base of support we have for restraint in Ontario at this time. I hope it would be only under extraordinary circumstances that we would have any radical form of tariff increase in telephone rates in the province. I am mindful that this is done only by an application to the commission itself and the commission has to determine whether or not there is a valid reason for such an increase.

I believe the increased income that these investor-owned, municipality owned or subscriber-owned utilities will obtain should accommodate the changes that for many of these utilities are quite frankly very long overdue. Members may not be aware, but in a number of the utilities the subscriber is sometimes required to participate with eight or 10 other parties on a party line. In 1983 that really is a little bit more than an individual, family or business should be required to accept.

Not that long ago in my own constituency, a small part of Ancaster had what we would regard to be substandard service. This was improved as that area was taken over by Bell Canada and the service has improved quite significantly.

In conclusion, we will be supporting the legislation and we see no reason why it need go to committee.

**Mr. Samis:** Mr. Speaker, even more briefly than my colleague I would like to say we will support the bill on this side. It will expedite the modernization of the smaller telephone systems in the province. I would also like to express the same concern as my colleague the member for Wentworth North (Mr. Cunningham) did. We would be worried about any sizeable increases that are not in keeping with the general guidelines of what is conceived of as restraint in the province.

Increases are obviously inevitable if people expect to have modern services and facilities. Especially in a subscriber-owned system, that has to be paid for in the most obvious of ways, but we would hope some spirit of restraint would also apply to those who may initiate any such increases. Beyond that we will support the bill because we think the modernization process is what is needed.

**Hon. Mr. Snow:** Mr. Speaker, I thank the honourable members for their comments. I assure them that any increases in rates by what I call the private telephone companies—some are privately owned, some municipally owned and some subscriber-owned—are subject to an application to the Ontario Telephone Service Commission which takes into consideration the guidelines of the restraint legislation in establishing any rate increases.

This bill amends the Telephone Act, which has not been amended for many years, and provides updating to keep the act current with the present situation in the telecommunications industry. Many of the companies, especially the subscriber-owned companies, would like to upgrade their service and reduce the number of people on their party lines. They may very well now be applying for some rate increases beyond the normal cost of the increase of doing business, to allow them to have the necessary funds to invest in turning the money back to the subscribers in an improved level of service.

This bill has been anxiously awaited by the Ontario Telephone Association, which represents the 31 private or independent companies, and they will be very pleased with the passage of this bill.

Motion agreed to.

Bill ordered for third reading.

**Mr. Samis:** On a point of information, Mr. Speaker: Can you tell me whether the extreme pleasure being exhibited by the member for

Leeds (Mr. Runciman) is one that can be shared by all members of this House?

Interjection.

**Mr. Breagh:** Oh, oral gratification. Is oral gratification allowed in the Legislature? We are not sure.

**Mr. Conway:** This used to be a family show.

**The Deputy Speaker:** Order.

4 p.m.

#### RETAIL SALES TAX AMENDMENT ACT

Hon. Mr. Gregory moved second reading of Bill 144, An Act to amend the Retail Sales Tax Act.

**Hon. Mr. Gregory:** Mr. Speaker, this bill will amend the Retail Sales Tax Act to extend the delivery deadline for furniture and appliances otherwise qualifying for the temporary sales tax holiday introduced in the most recent budget.

Under this program, purchases of designated household furniture and appliances made prior to August 9, 1983, were exempt from tax, provided the items were delivered by November 7, 1983. However, the very success of the program made it difficult for manufacturers to obtain the raw material inputs necessary to meet the deadline. This bill will ensure the full success of the program by extending the delivery deadline to December 31, 1983.

**Mr. Ruston:** Mr. Speaker, this bill is, of course, good for business. We realize the manufacturers could not get their products out in time; so we will support the bill. It does give initiatives for added sales. Just in passing, I might say that if I had held off on some of my purchases last spring, I could have saved \$300 in taxes paid to the minister. However, that is one of the breaks with his type of taxation.

**Mr. Breagh:** Mr. Speaker, we will support the bill, naturally. It is one of our favourite sports to postpone taxation until the very latest date possible. I did want to make a couple of comments on this process, because it is not the first time this has happened.

I seem to recall saying in the course of debating the original bill that the government should take a slightly better look at what it is doing here, because it would not be possible for people on showroom floors to provide consumers with the goods that were exempted under this bill. It seems to me the government would have been wise at that time to listen to opposition members who said, "It is not a bad idea, but

you have put it in a format that will be difficult to implement."

I seem to recall that this is about the fourth or fifth time I have looked at this same concept—not all in this one budget, but expressed before—where a Treasurer said certain goods would be exempt from taxation for a brief period. We have repeatedly tried to get the government to look at the ramifications and to examine more closely exactly what will happen on the showroom floors and in the dealerships when there is an exemption of this nature.

From our point of view, the importance is, first, to recognize that the government is seeking a little political favour from the public by exempting certain taxes for certain time periods and, second, when it does that, it has a reasonable obligation to have a pretty clear idea about delivery dates, about supply and exactly whether what it is purporting to do can happen.

We are pleased to support the extension of this particular exemption, but I am going to say "I told you so," because I did. I am going to remind the government next year, when there is some little goodie in the budget—usually the sales tax is the favourite technique used—exempting sales tax for a certain period of time, to get clued in and to look at the ramifications of such an exemption before announcing the legislation. Then we could take the bill and process it through the Legislature once, instead of having to do it two or three times.

**Mr. Haggerty:** Mr. Speaker, I want to address myself to Bill 144, An Act to amend the Retail Sales Tax Act. I support the principle of the bill defining the last date upon which the sales tax will be exempt under the act. I am a little concerned about why the minister wants to withdraw the tax break at all and to go back to adding the seven per cent sales tax on furniture, appliances, rugs, carpets, floor coverings, drapes, blinds and so forth.

I am concerned that our economy has still not turned around as it should today. Jobs are still scarce and a great number of people in Ontario are still unemployed. There is every indication that the action taken by the ministry has created jobs in the economy; consumers have put confidence back into the economy by purchasing these goods.

As more people are purchasing new homes today, with the sales taxes and the federal taxes on the homes, surely he should give some consideration to holding back on that sales tax for another year to give further confidence to consumers that it is going to turn the economy



around and that jobs are going to be there. I suggest the home goods manufacturing areas, appliances, etc., are still looking to call back persons in the industry so we can almost get back to full employment.

This is one of the problems I find with this government. It seems in the past four, five or six years it has added taxes on to almost everything it could put them on. I guess it forgot the dog tax, for example, but the increase in personal income tax and the ad valorem tax brought additional revenue. We have seen the sin tax—the alcohol tax—and the increase in that area.

I do not think this government is really concerned about turning the economy around when it continues to add taxes on furniture, home furnishings and so forth. If the minister is really sincere about creating jobs, this is one area where the tax should be removed for another year. It would give the economy a chance to a turn around and jobs would be created. Slapping this tax on again after January 1 is only going to slow down the economy.

I think the minister is well aware that in many cases we in Ontario are overtaxed as it is. Maybe there are other areas where the government should be looking at tax increases or additional areas of taxes.

I mentioned not long ago the number of American trucks that are using our highways in Ontario and which contribute little in taxes to maintain those roads. That is one area to which the minister should be giving some consideration. Perhaps we should consider a user fee as we look at more deregulation by the Ministry of Transportation and Communications allowing trucks to come from all across the United States into Ontario, bringing nothing in the way of taxes to maintain those roads.

It is time the minister started giving the people of Ontario a break in this area, by extending the retail sales tax exemption for another year. I bring that to the minister's attention.

**Hon. Mr. Gregory:** Mr. Speaker, I would like to thank the member for Essex North (Mr. Ruston), who supported this bill without any qualification whatsoever. He was wise enough, as opposed to the member for Erie (Mr. Haggerty), to realize this exemption has long since gone. It was up on August 9. He must know the tax holiday does not apply. What we are talking about here is the delivery date; that is all. Extending this does not cost any more money. There are no additional tax exemptions.

**Mr. Breaugh:** We know how cheap you are.

**Hon. Mr. Gregory:** Yes. I would like to congratulate the member for Oshawa (Mr. Breaugh) for his foresight. I will accept the "I told you so." It must be nice for him to feel he has finally got one right.

**An hon. member:** Hindsight is marvellous.

**Hon. Mr. Gregory:** Hindsight is marvellous; 20-20 vision.

I thank the members for their support of the bill. I do not think there is much more I can say. It is a simple but necessary bill and does fulfil a great need.

**Mr. Haggerty:** Mr. Speaker, if I left the impression with the minister that I do not understand the bill, what I was trying to convey to him was that the tax should be exempted for another year.

**The Deputy Speaker:** Order. There are no provisions in the rules—

**Mr. Haggerty:** There is no provision in the bill. I want to see jobs created in Ontario.

**The Deputy Speaker:** Order. The member is out of order.

Motion agreed to.

Bill ordered for third reading.

4:10 p.m.

## PLANNING AMENDMENT ACT

Mr. Rotenberg moved, on behalf of Hon. Mr. Bennett, second reading of Bill 145, An Act to amend the Planning Act, 1983.

**Mr. Rotenberg:** Mr. Speaker, in drafting the transitional provisions contained in section 74 of the new Planning Act, which we finalized at the beginning of this year, the principle was followed that where the first formal step had been taken in any proceeding before the effective date of the new act, which was August 1, 1983, such proceedings should continue and be concluded under the old act.

It is now apparent that these transitional provisions are being interpreted in a different light from what was originally intended. Specifically, a recent Ontario Municipal Board decision was made against a municipality that has made it most important to clarify the intent of these transitional provisions.

To prevent possible litigation and the questioning of actions taken by municipalities and of the validity of resulting bylaws and official plan amendments, the bill before the House today repeals the provisions in the Planning Act to determine when an application to amend a zoning bylaw or an official plan was made, and



thus which act it can be processed under, and replaces them with a new provision that gives municipalities the choice of processing requests to amend an official plan or application to amend a zoning bylaw under either the former act or the new act, except in situations where a council refuses the request or fails to act on it, in which case the request must be proceeded with under the old act.

In moving this bill, I am anxious to ensure that the validity of municipal actions is protected and unnecessary litigation is prevented.

**Mr. Epp:** Mr. Speaker, as the parliamentary assistant probably knows, we are going to support the bill. It is very clear that the legislation has to be clarified. Obviously, from the standpoint of the legislation, the OMB has erred in its judgement, and to clarify it for the OMB and for the municipalities across the province, the legislation must be amended; so we obviously will support it.

My only question to the parliamentary assistant is whether any other municipalities are currently affected by the present legislation. We know that Peterborough, the good area that the Speaker represents but unfortunately cannot speak for here because of his privileged position, is affected. I just wonder how many other municipalities across the province have run into a similar snag as far as the present legislation is concerned.

**Mr. Breagh:** Mr. Speaker, we too are pleased to support Bill 145. It is an amazing little piece of business, actually, because this is the second piece of legislation in a row where the Legislature is being asked within a year to patch up some screwup on the part of the government. That is a rather amazing thing to have happen to a group of people who purport to be great managers, the only people who know how to run Ontario. Yet here we are, in the last week of the Legislature, supposedly, doing two bills back to back where government screwups have occurred. We pass a bill in the spring of the year and we have to fix it up again in December, and it strikes me that there is a lesson for the people of Ontario in this.

One other thing is amazing about Bill 145. I received a letter from the city of Peterborough pointing out their problems with a decision of the Ontario Municipal Board in the early part of last week. I called them and said: "We seem to have agreement on this. It should not be a difficult matter to repair, in legislative terms, and it should not be a long, complicated argument, either. But it is rather doubtful that you

are going to get the government of Ontario to (a) put together a piece of legislation before the end of the session or (b) get this matter on the order paper and deal with it."

I must say I am pleasantly surprised that the government defied its previous track record in preparing legislation, particularly when I think of debates we had here last evening, where it took the government of Ontario the better part of two years, and sometimes more, to respond to a request from a municipality. It does seem to me to be unusual that this afternoon they were able to muster a response in less than 10 days.

Interjection.

**Mr. Breagh:** I do not know. I think they are having hot flashes or something over there which make them turn to action every once in a while.

At any rate we are happy to support this proposal, which we hope will resolve an impasse that has occurred and has caused a problem for the city of Peterborough. If our discussions during the estimates debate the other evening are of any recourse, the minister assured me this legislation would also resolve any other disputes that might occur around this type of decision by the Ontario Municipal Board.

I do hope this second patch-up of the Planning Act in one year will be sufficient to carry us through at least until the spring session. Perhaps then we will be back again with further foul-ups on the part of the government. At any rate, we are pleased to bail them out this afternoon.

**Mr. Rotenberg:** Mr. Speaker, I would like to thank the members opposite for their support, although maybe not the way it was given by the member for Oshawa (Mr. Breagh).

Very briefly, to respond to the member for Waterloo North (Mr. Epp), we know of no other municipalities that have a problem at the moment. However, at least four other municipalities have bylaws pending before the OMB on the same basis as Peterborough went. If we do not pass this legislation, they may run afoul of the OMB; so by passing this, we will make sure they have smooth passage on a procedural matter at the OMB.

I would indicate to the member for Oshawa it was not a government foul-up. We felt the legislation was reasonable, but as the member for Waterloo North has said, it was the Ontario Municipal Board whose interpretation was not quite the same as ours—

**Mr. Breagh:** The OMB redrafted the Planning Act.

**Mr. Rotenberg:** The OMB, with respect, interpret it differently from the way we feel it should be interpreted. Rather than take this matter to a court or have it resolved in some lengthy manner, this very simple amendment to the act does solve a problem and puts everybody on side.

I thank the honourable members for their co-operation. It does show, as the member for Oshawa says, that when there are problems the government can act quickly and properly to satisfy everyone.

Motion agreed to.

Bill ordered for third reading.

### BUILDING CODE AMENDMENT ACT

Mr. Rotenberg moved, on behalf of Hon. Mr. Bennett, second reading of Bill 147, An Act to amend the Building Code Act.

**Mr. Rotenberg:** Mr. Speaker, this Building Code Amendment Act will significantly increase the flexibility by which the renovation of existing residential buildings and the conversion of nonresidential buildings can be undertaken while maintaining the high level of public safety we enjoy in Ontario.

The act will permit the government to pass regulations to adopt a renovation code as part XI of the Ontario Building Code. The renovation code will assist builders and individuals to renovate houses, boarding or lodging houses and apartment buildings that are five years old or more and will facilitate the conversion of nonresidential buildings to residential use.

Owners of buildings that now stand idle or might otherwise be demolished will be encouraged to renovate and extend the useful life of existing building stock. Thus the act and the regulations will have a very positive impact on the renovation industry, creating new jobs, new investment opportunities and, most important, new housing.

The government is committed to streamlining the building regulations of this province while maintaining public safety. The renovation code and the flexibility it provides are a major part of this initiative.

**Mr. Epp:** Mr. Speaker, we are going to be glad to support this legislation. It is fairly well known to be housekeeping legislation that broadens the flexibility a little for the various inspectors and so forth, and we endorse it.

4:20 p.m.

**Mr. Breaugh:** Mr. Speaker, we will be pleased to support Bill 147. According to the statements

and the comments that have been made by the various people I have talked to, this is a necessary piece of legislation. However, I want to put on the record a couple of concerns I have.

I am accepting at face value what the minister said and what others I have talked to about this bill are saying, that there is a need to put together a piece of legislation like this, which allows regulations to be formed that will provide a bit of flexibility in building codes.

I am in agreement with the practical problems faced by builders, municipal building inspectors and home owners when doing renovations. It is true that sometimes when one goes to renovate an older residence, there are other problems which must be corrected. The hard fact is that the present building code does not provide the means to get those things corrected. In terms of the principle of the bill, I have no problem with that. However, I want to put on the record some concerns I do have.

We are not able to see this afternoon what the regulations are. That bothers me somewhat. The legislation in itself is a little all-encompassing. It is being touted as good for everything. I have not seen anybody claim it will provide a cure for cancer, but just about everything else is included: it is going to stimulate housing, it will provide jobs, it will solve practical problems in municipal housing inspection and it will provide for a means of building more energy-efficient homes. I believe all those things are possible, but I want to put on the record my concerns that some other things are also possible.

The fact is that we may well find people who will try to take advantage of this flexibility. That concerns me a little bit. In estimates the other evening, we had a discussion around the building code and the approach used in Ontario and Canada to provide a code that is an industry-developed set of mechanical codes, which is the best way to describe it. It talks about how far apart the studs are in a house; what kind of statistics must be provided to say something is approved under the code. As is this bill, it is very much related to standards set by an industry.

The larger question of whether the house is safe or solid is left unspoken. That concerns me just a bit. It is, as the minister admits, a problem every time one goes to a codified technique of establishing what is good and what is bad, what is safe and what is not safe. Sometimes in the process of developing very elaborate standards and regulations, one misses the whole point completely.

In committee the other night, we went over



some of the interesting exceptions many of us have had. In my life as a politician, I have had some interesting situations. I can recall one in Oshawa where a woman bought a brand-new home, rolled in her new piano and the piano fell through the floor. We went through all the rigmarole of city inspectors coming out and inspecting everything there was to be inspected. The fact is that the house was in compliance with the building code; but the house would not take a piano on the floor, either.

Unfortunately, there was not much that could be done about it, because there were little sets of bureaucrats—I am not demeaning bureaucrats at all—people whose lives and jobs revolve around looking at sets of statistics and seeing that other statistics match up with these statistics; as long as they do, everything is okay. It would not really matter if the world were falling apart all around them, they would be there measuring, getting out degrees and doing the tests they do.

We will support the legislation before us this afternoon on the premise that it has the potential to resolve a pragmatic problem, and we would very much like to do that. It also has the potential to resolve some problems around housing and renovations in general.

I want to get on the record, though, my concerns that the legislation in its present form is something in which we are buying a bit of a pig in a poke. I want to admit that this afternoon. Second, it may be subject to some abuse, and we will just have to wait to see whether that happens. There will be building inspectors looking at individual situations, operating within some kind of flexible regulatory system; there are going to be lots of judgement calls out there.

We are accepting the legislation at face value. We are accepting it because we trust that the people who will carry out these inspections and set these regulations will do so with the intention of trying to serve the public good. If that all hangs together, we will have done them a service by passing this legislation this afternoon. If it does not, we will be discussing this bill a little further in the spring session.

**Mr. Charlton:** Mr. Speaker, I would like to make a couple of very brief comments on this bill to the parliamentary assistant since the minister is not here. As my colleague the member for Oshawa (Mr. Breaugh) suggested, we will be supporting the bill, and it does provide some benefits, but it seriously irks me that this government has not yet learned to talk to itself.

We have a building code in this province which is supposed to provide a maximized benefit in terms of how we construct things in this province. I want to suggest that the Ministry of Energy has spent countless man-hours and millions of dollars, both in terms of its own work and grants or contract work out there in the real world, on things such as energy conservation. The standards in the building code come nowhere near what the Ministry of Energy has found to be useful, productive and beneficial across the board.

When we are dealing with legislation like this, the government should start to learn to talk to itself from one ministry to the next so we can get on with coming up with a building code that really maximizes benefits across this province instead of lagging considerably behind. The example I have cited is only one—there are dozens of others, but I will not go into them all—but it shows that there is a very sad lack in this government when one ministry cannot sit down with another ministry and come up with a set of changes to the legislation that are in step with what research tells us is needed.

**Mr. Rotenberg:** Mr. Speaker, I thank the members opposite for their support. The point the member for Oshawa raised is very valid. I must say it is a point we have considered as well, because the thing we want to be very sure of is that in relaxing certain building codes and the renovation code we do not want to relax any matters of health or safety for the population.

I point out to the member and to the House that probably one of the keys to this is that normally under the building code, if a builder meets the requirement of the building code, he gets a building permit; but this is not something he gets if he meets the renovation code. This is permissive legislation to the building commissioner. If one reads the section, it says "Permitting chief officials, subject to such conditions" and so on.

In other words, the municipal building inspector has the option of using the renovation code or not; the building renovator is not entitled to it. We have considerable confidence in the building officials in our municipalities and the final decision as to whether they allow this or not. Even though an application meets the renovation code, the municipal building official may say, "No, you cannot have it in this case because we are not too sure it will conform to the required safety standards."

That is another safeguard we have in this bill.



We feel it will go a long way towards solving the qualms of the member for Oshawa.

With those words, I commend the bill to the House.

Motion agreed to.

Bill ordered for third reading.

### CONSTRUCTION LIEN AMENDMENT ACT

Mr. MacQuarrie moved, on behalf of Hon. Mr. McMurtry, second reading of Bill 135, An Act to amend the Construction Lien Act.

**Mr. MacQuarrie:** Mr. Speaker, the Construction Lien Act has been in effect for some eight months.

**Mr. Breaugh:** This afternoon is the third time we are fixing up your lousy legislation—the third time in a row.

**Mr. MacQuarrie:** Quite the contrary. This is one of the most progressive pieces of legislation that this chamber has passed. But during that period certain problems have arisen. This bill has been designed to meet and deal with those problems. It has been designed to clarify certain technical aspects of the legislation.

The most significant problem is the position of the home purchaser; the legislation, among other things, removes the home purchaser from the classification of owner.

In addition, I will be asking that we move into committee, because I have an amendment I would like to put forward.

4:30 p.m.

**Mr. Breithaupt:** Mr. Speaker, we are prepared to support the bill that is before us. I recall that when the Construction Lien Act was before us, it was the understanding that there would be some additional changes and amendments that would have to be placed, after the result of some experience, to clarify certain of the sections in the act.

I am quite prepared to accept the variety of minor changes that are suggested, but there is one item I would like the parliamentary assistant to address when the time comes for committee of the whole, and that is what is really the major and only principle of this bill, the situation with respect to the definition of the term "home buyer."

From the explanation defined in the bill, the home buyer is not an owner for the purposes of the act; so, as we are informed, a mortgage given or assumed by such a person is not subject to the priority otherwise given to liens arising

out of the construction of or other improvements made to the premises being purchased.

There is an interesting item in the term as defined in the act. It defines a home buyer as a person purchasing a home whose down payment does not exceed 30 per cent of the purchase price and who does not take title to the premises until the home is ready for occupancy under the usual certification of the Ontario New Home Warranties Plan Act. I am wondering why the figure of 30 per cent has been chosen.

I can foresee, even in these difficult times, the possibility of a person selling a home that had been more or less paid off or had only a small mortgage against it and who might well have sufficient capital to pay more than the 30 per cent figure and, accordingly, assume a first mortgage, perhaps from a lending institution, or give a new first mortgage that is less than that 70 per cent figure. Surely a person in those circumstances should have the same protection against a variety of claims that could be made to the property as would the usual purchaser of a new home who might well have a deposit in the less than 30 per cent range.

I would appreciate an explanation of that definition when we get to the clause-by-clause discussion. I am not necessarily quarrelling with that figure, but I think an explanation should be placed on the record so that at least we have some reference as to what protections will be available and as to why the figure is there.

With respect to the various other amendments in the bill, as I have said, they are a result of some months' experience with the legislation. I can only presume they have been discussed with the variety of component parts of the construction and financial industries so that they are not only useful but also bring a fair balance to the needs that have been expressed since the bill was initially passed.

I look forward to the explanation the parliamentary assistant will give to the point I have raised. Other than that, we certainly will approve the bill in principle.

**Mr. Renwick:** Mr. Speaker, I would like to speak briefly to Bill 135, An Act to amend the Construction Lien Act. My colleague the member for Oshawa (Mr. Breaugh) may wish to make some comments about it as well. If my colleagues in the caucus and I understand the bill correctly, we are quite prepared to support the bill.

The bill before us contains a number of amendments. All of them except one appear to be the kind of technical change that would

come up when a new bill, such as the Construction Lien Act, which we passed last year, has seen the light of day and people have had an opportunity to make suggestions with respect to minor amendments to it. To the extent they are minor amendments, we can deal with those in committee. The parliamentary assistant has said it must go to committee.

So far as we were concerned, the key part of the bill when it was originally passed was subsection (80)5. That was the section that caused the problems with respect to the lending institutions, who were concerned about the priority of the liens created by the Construction Lien Act and the effect it would have on their capacity and ability, cautiously and conservatively, to lend money.

The Legislature made a fundamental decision as a result of the committee that had studied of the Construction Lien Act and the previous Mechanics Lien Act and had come up with a workable solution. A substantial part of the compromise of all the various interests from all areas involved in those discussions, including labour, is reflected in subsection (80)5. It is that very section we are now asked to amend.

I do not pretend to be a conveyancing lawyer or a conveyancing expert, but try as I may, I came to the conclusion that what the Attorney General (Mr. McMurtry) said in the very early summer when he gave notice of his intention to move the amendment to clear up a problem was a matter with respect to the opinion of people about title.

I want the assurance of the parliamentary assistant that the change we make is a clarification change, as has been stated, and that it will not in any way touch upon the principles of the bill. As I have said, one of the fundamental principles of the bill was subsection (80)5.

The Attorney General ended his statement in the Legislature by saying: "To avoid misunderstanding, I want to emphasize that the principles of the act and holdback security will not be reconsidered in connection with these proposed amendments. Holdback security in the present form will remain until all segments of the construction industry can agree on a better method for protecting the vital interests of those who supply services and materials to improve real property."

**4:40 p.m.**

That last part is the key to our concern about whether we, sitting in the Legislature discussing a very technical question of mortgage and lien priorities, need the assurance of the ministry,

which has the expertise and capacity to give that kind of assurance.

In substance, the Attorney General said in his statement that if one was the purchaser of a home on the real estate market—in other words, if one was not the builder or constructor and not making improvements to one's own property, but simply was a person who saw a property for sale, put in an offer to buy that property, which was a recently completed property, and gave back a mortgage on that property, not only did one get clear title as purchaser of the property, if he was fortunate enough to have the funds to buy the property mortgage-free, he would get clear title on the property as against unregistered liens which may be available to be registered within the times allocated in the construction lien, of which he did not have any notice. Similarly, if one arranged for a purchase-money mortgage on the property, the mortgagee would also get a security free and clear of any such liens.

That is my understanding of the statement by the Attorney General in this assembly. He said, in substance: "It has long been and, in my opinion, is now the law that a mortgage arranged by the purchaser who is not an owner, advanced and registered at closing, also has priority over liens which have not been registered." That was one part of the statement.

The prior part of that statement was: "When a purchaser of a new home who has not had the house built for him or her and therefore is not an 'owner' under the act closes the transaction, advances the purchase price and receives a conveyance from the builder, it is clear that if no liens are registered at the time and the purchaser has no written notice of a lien, the interest of the purchaser has priority over any lien." That is the effect of subsection 80(6).

Then the Attorney General went on to say that would also be true with respect to a purchase-money mortgage on a home property. He said the reason for the introduction of the amendment was to clarify what he believed to be the actual legal position under the act.

He went on to explain: "While several highly regarded lawyers have given the same opinion as I have just expressed, doubt remains in the minds of some lenders. They have not been advancing 10 or more per cent of the price on closing. Some purchasers of new homes have been forced to arrange interim financing for a period of up to 60 days from closing. Not only could this be harmful to the individual purchaser, but it also could put a cloud over purchasing



a home and might thereby harm the construction industry, which is important to the economic health of the province."

That is a perfect rationalization for the bill, a perfect reason for the bill, provided the ministry is perfectly clear that it is not opening any door to anybody to get around the fundamental part of the major compromise among all the interests, which is to say that liens would have a priority they did not have under the previous legislation.

By tampering, if I can use that term, with subsection 80(5), I can only express views that are elementary. As a lawyer, I can only express the view to my colleagues in the caucus that what the Attorney General has said is correct and that as a companion part of the process of amendment it is also necessary in the bill before us to clarify and make very clear the position of a home buyer as distinct from the technical, defined term of "owner" in the Construction Lien Act.

I doubt the other provisions of the bill would have seen the light of day at this time if that major question had not arisen, but I need that assurance because it was on that basis our caucus agreed we would support this bill. We are not prepared to support the bill unless we have an unequivocal statement from the government that this does not impinge upon the fundamental compromise of all sorts of interests which led to this new Construction Lien Act which, as the Attorney General said in the closing part of his statement, fundamentally holds back security in the present form. That connotes that the same kind of priority I have spoken about will remain until all segments of the construction industry can agree on a better method for protecting the vital interests of those who supply services and materials to improve real property.

I want the assurance from the government and from the parliamentary assistant speaking for the government that this particular amendment to subsection 80(5) and the complementary definition of the term "home buyer" do not in any way impinge upon the vital interests of those who supply services and materials to improve real property.

I need not go on at any greater length. I am sure the parliamentary assistant understands my concern and our willingness to support the bill, but also understands that it is conditional on a very clear statement and undertaking by the government that this bill does not in any sense upset that concern.

It would also help me to a great extent if the Construction Lien Amendment Act, 1983—Bill 135, which we have before us—had been passed in front of the same committee that originally prepared the report that led to the bill we passed a year ago. That committee represented all segments of the construction industry in a very real sense, including the construction trades, other journeymen, apprentices and other workers who are employed on these construction contracts, be they small ones or immense ones.

With those remarks and having stated our position that clearly, I await with bated breath the comments of the parliamentary assistant.

**Mr. Breagh:** Mr. Speaker, I wanted to speak briefly on this bill because it is a matter of some concern to me. I raised this with the Attorney General in the spring session where it was brought to my attention that there was some difficulty with the bill as it was previously passed by the Legislature.

I was actually thinking about putting an amendment because, in my view, this act should be called the Dennis Chura act. I will not move the amendment because we are trying to get the legislation through here this afternoon and the government always gets paranoid when anybody on the opposition side moves an amendment.

Dennis Chura is the name of a real estate agent in Oshawa who brought this matter to my attention and did so under rather unusual circumstances. It was about 11 o'clock at night. I was just finishing a workout in my rec room and was standing in the hall in my sweatsuit when Dennis rapped on my door in a rather agitated state. He is rather a good real estate salesman in the area and he had just lost a deal with a young couple who had, unfortunately, got themselves into a bit of a bind.

They had sold their previous home on the premise that everything was on the up and up, and the builder simply announced to them on closing day he wanted an additional 10 per cent, which in this case amounted to about \$5,000. Not everybody is in a position to run out overnight and pick up a \$5,000 loan, particularly when he has just signed for a rather high mortgage.

The unfortunate situation was not that Dennis Chura had just lost a real estate deal, because I am sure Dennis will pick that up in a matter of hours on some other deal, but that a young couple had sold their house—and would, of course, as most people do, live by that agreement—had been unable to purchase their



new house and were at a loss as to what to do with themselves.

We were led to believe that this wonderful piece of business called the Construction Lien Act had been a matter that was rather widely consulted on in the industry, that builders, lenders, lawyers and everybody who was involved in it had studied this matter for a lengthy period of time and had come to a conclusion that was put before the Legislature in the previous bill's format.

I made some inquiries and found out that somebody had forgotten to tell the lawyers and the lenders in the group. In calling around, we found that in other areas it was not just builders trying to transfer their responsibility on to the purchaser of the home but also lenders who were saying, "With this new Construction Lien Act in place, we are not sure that there is clear title to a property, so we are not going to advance any mortgage money for it." Whether it was the builder, the lender or whoever, the person who was injured in the end result was the consumer who was attempting to purchase a new home.

**4:50 p.m.**

The irony of it is that I recall the debate on the previous piece of legislation. It seemed to me that an eloquent case was made to me for it both here in the Legislature and, I have to admit, back home in Sutton Court in Oshawa by several small business people who were in the business of helping to process houses. They were people who would finish up the details. They were roofers. They did brick work, painting and put down cement floors. They put a rather eloquent case to me that the housing industry had turned around a little in the last few years.

In previous years they did not have to worry about a builder paying off his subtrades. There might be a bit of a delay, but eventually they got paid. These guys were offering me a litany of occasions when they were on the hook for \$15,000, \$20,000, \$60,000 and sometimes \$100,000.

The builders were building the houses, selling the houses, and then going into receivership. The builder made a good buck on the house and started up another housing project under another development number. The person who was on the hook was the poor little guy who was trying to run a painting and decorating firm or who was trying to make a decent buck by doing some roofing, brick work, masonry or installing windows.

As all these people happened to complete

houses in the projects where I live, because there is still a little building in the area, they came to me and made a pretty eloquent case that something had to be done to see the little guy in the process did not get hammered, because the little guy was getting hammered and was losing a lot of money. It turns out there was very little, in a practical sense, they could do.

It is true they could go after the receiver and try to recover some money. It is true, I suppose, they could enter into civil litigation with the builder if he was still in operation. It is true there were some legal options available to them. But for practical purposes it was those small businesses that took it straight between the eyes. They are the ones who suffered the loss and there seemed to be damned little they could do. Many of them had paid the people they employed. As decent people they paid their employees regularly, so it was small business which was taking it in the head.

It seemed to me it was put before the Legislature on the basis that something had to be done to provide for some fairness in the building industry in Ontario, that this was a problem which had not been widespread before, but was now widespread and getting worse. It seemed to me the Construction Lien Act, as presented to us in the last session, was a reasonable way to proceed.

It might not be perfect, but I was told there had been a lot of consultation in the building industry, and part of that was with lawyers, lenders and everybody else, and that this piece of legislation was a kind of consensus document which would provide some fairness for subtrades that were working in the local construction of houses and would not have a negative effect on consumers.

It seemed to me then to be an absolute perversion to find out that some builder, some real estate guy, had decided to play shotgun and transfer his responsibilities to the consumer. I can imagine what it would be like because it was not that long ago I had a young family and we were attempting to buy a house.

If somebody had said to me, "We have concluded all of this; we have completed the sale of your previous residence; we have concluded the mortgage arrangements for this, and we have concluded all of the other closing costs," and then on closing day had announced, "We want another \$5,000 from you," I think I would have let him have it right between the

eyes with a 12-gauge. It seems to me that is unreal and is an unreasonable way to proceed.

Then I found out that in other areas of Ontario it was not some sleazy little guy selling off some houses who was involved; it was some supposedly very reputable lenders. Of all people out there, it seemed to me they had a reputation to protect. They should have known what that legislation was because I am sure most of them have lawyers who look at legislation which goes through here. They would have known beforehand that there might be a problem. If their legal advice to the lending houses would have been, "We cannot get a clear title to these properties and you are going to have some difficulty afterwards," why were they not here? Why did they not make representations to the Legislature when the previous bill was being processed?

I want to say a couple of things about the actions of the Attorney General in this regard. This is the first time I have ever seen the Attorney General of Ontario give any credit to any opposition member. I want to thank him for that. On about three different occasions when he has made reference to this bill, he has pointed out that I brought it to his attention. That is a rare occasion indeed, and I want to say I appreciate the Attorney General doing that.

I do not care whether they want to make it praise and flowery stuff, but it strikes me it would not hurt other ministers of the crown to hand out a little bit of credit once in a while, indicating that there are opposition members who do their jobs, too, and who report to the government that there are problems out there. We appreciate it when a government responds; that is what a government is there for. It has taken them some time to respond in legislative form, but they had the good sense, fortunately, to provide that the bill be retroactive.

There are builders in my community who appreciate a response on the part of the government. Unfortunately, they were caught in the middle of this. Several people, mostly younger couples, got caught in real estate transactions that cannot be helped by this bill. I regret that. The bill itself is retroactive, but there is no hope for the young couple I was talking to Dennis about on my front porch, so to speak. They needed an immediate redress that night, which was not possible.

As far as I could determine from my local real estate board, there were about half a dozen deals in my area involving two or three builders where the same set of circumstances prevailed.

We were not able to help those people in this bill or any other bill. They needed assistance that night, and this government certainly could not respond that quickly to anything; at least, I have never seen it do that.

The Attorney General did respond to the main point I raised and which other members have raised. I seem to recall the member for Algoma (Mr. Wildman) brought up some problems which had come about in his area. For that, we are grateful.

I would be remiss if I did not mention that this is the third bill this afternoon dealing with legislation we passed last year, the third piece of business this afternoon in which we are patching up the wrongdoings of a government. It is true the government did not do so intentionally. They screwed up without malice aforethought, but they certainly are tripping and we are pleased to spend some time this afternoon patching up the legislation for them. We regret we have to do so, but it is necessary.

None the less, I want to conclude by saying I appreciate the Attorney General's response. He is not noted for giving quick responses, but in this instance he did respond, and that is the most important thing. As my friend the member for Riverdale (Mr. Renwick) has pointed out, I hope he has responded in a way that will permanently resolve the problem because I believe it is important.

I believe those subtrades deserve to be paid for a day's work which they have already done. I believe, too, that consumers deserve some measure of protection under this legislation. I hope it is there. It is there, as I read it. The nagging thought in the back of my mind, though, is that we went through this exercise not more than a year ago. The lawyers are out there looking at it again and so are the lending institutions.

I would certainly like an affirmation that at least this time we have red-flagged it for them and put something into legislation which they not only understand but accept. We are running into the problem here of legislation which all of us want. We all have good intentions in here most of the time—all of the time, I hope. We put together legislation which we think will resolve problems, and thousands of people out in the real world are trying to pick holes in that legislation.

I would hope that in processing these amendments to the Construction Lien Act this afternoon we have done somebody some good and resolved some problems. I know the Attorney General has not resolved all the problems I



brought to him, but I hope he has resolved the problem in the main, and so I am happy to support the bill.

5 p.m.

**Mr. MacQuarrie:** Mr. Speaker, I would like to endorse the Attorney General's commendation of the member for Oshawa in suggesting this legislation. At the same time, I would like to point out that in a piece of legislation as involved as the Construction Lien Act it is impossible to achieve perfection the first time around.

The member for Kitchener (Mr. Breithaupt) raised a question with respect to the 30 per cent figure selected in the bill as the payment by the purchaser. This figure was not selected arbitrarily; it was selected in consultation with those in the industry. I understand that in the Toronto area, for instance, an amount of 35 per cent by way of deposit is not unusual. However, it should be borne in mind that this amount relates only to the amount of deposits before closing. On closing, a person can pay out, pay down or do what he will with whatever surplus funds he might have.

The other aspect of it is that if he pays more than 30 per cent, he is then cast in the position of owner with the rights of holdback. Presumably, he has the funds to absorb any temporary holdback that a mortgagee might make.

The figures are there simply to ensure there is enough money on closing to protect the lien claimants. When one takes the value of the lot and the value of construction, I understand 30 per cent represents about 90 per cent of the construction activity in the building.

Turning now to the interesting points raised by the member for Riverdale (Mr. Renwick), I am afraid I can give him no unequivocal undertaking or assurance in respect of the government's posture. The legislation speaks for itself; it speaks quite clearly. I might point out that the Attorney General's advisory committee on this matter has considered the bill. All members save one, a Mr. Koskie, agreed with the amendment. The construction trades accept this as being the only practical approach.

There is no question that there is a minor encroachment on the principle of holdback security in this bill. To protect home buyers, about which the member for Oshawa was so justifiably concerned, it was necessary to make this change.

The courts have said that if a buyer goes into a subdivision and orders a house from the builder's model or from the builder's plan, he is an

owner. We are changing this. To protect the home buyer under these circumstances, the government has no alternative whatsoever but to make the change it is making.

Motion agreed to.

Bill ordered for committee of the whole House.

House in committee of the whole.

## CONSTRUCTION LIEN AMENDMENT ACT

Consideration of Bill 135, An Act to amend the Construction Lien Act.

On section 1:

**Mr. Chairman:** Mr. MacQuarrie moves that subparagraph (ii) of paragraph 7b of subsection 1(1) of the act, as set out in section 1 of the bill, be amended by striking out "under the Building Code Act of a permit" in the third and fourth lines and inserting in lieu thereof "of a municipal permit."

**Mr. MacQuarrie:** Mr. Chairman, the paragraph as amended would read as follows:

"7b. 'home buyer' means a person who buys the interest of an owner in a premises that is a home, whether built or not at the time the agreement of purchase and sale in respect thereof is entered into, provided

"i. not more than 30 per cent of the purchase price, excluding money held in trust under section 53 of the Condominium Act, is paid prior to the conveyance, and

"ii. the home is not conveyed until it is ready for occupancy, evidenced in the case of a new home by the issuance of a municipal permit authorizing occupancy or the issuance under the Ontario New Home Warranties Plan Act of a certificate of completion and possession."

**Mr. Breithaupt:** Mr. Chairman, I suppose the only point to be raised is to ask under what other possible statute a municipal permit would be issued if it were not the Building Code Act.

**Mr. MacQuarrie:** In checking with the building code branch of the Ministry of Municipal Affairs and Housing, it appears that permits authorizing occupancy of new houses in many municipalities in Ontario are not issued under the Building Code Act but rather under subdivision agreements as between subdivider developers, builders and the municipality; so it is a municipal permit of occupation.

**Mr. Breithaupt:** So we are correct that whatever practice a municipality may follow, whether it is under the building code or pursuant to a



practice of dealing with the terms of a subdivision, it would still bring the requisite protection, however it might be attended to.

**Mr. MacQuarrie:** It is the intention of the government that this be the case. We feel the amendment appropriately covers that, because the municipality would be proceeding either under the Building Code Act or alternatively under a subdivision agreement.

**5:10 p.m.**

**Mr. Renwick:** Mr. Chairman, all I can do is accept what the parliamentary assistant states, because it is extremely important for a person to be able to know whether he is or is not a home buyer. One would not want to find a person excluded from being a home buyer by this very technical definition because either of the two permits was not forthcoming for some reason or other. I take it that no such occasion can arise so far as the parliamentary assistant is concerned.

Motion agreed to.

Section 1, as amended, agreed to.

Sections 2 to 11, inclusive, agreed to.

Bill, as amended, ordered to be reported.

On motion by Hon. Mr. Eaton, the committee of the whole House reported one bill with a certain amendment.

#### PROVINCIAL JUDGES AND MASTERS STATUTE LAW AMENDMENT ACT

Mr. MacQuarrie moved, on behalf of Hon. Mr. McMurtry, second reading of Bill 136, An Act respecting the Benefits of Provincial Judges and Masters.

**Mr. MacQuarrie:** Mr. Speaker, the nature of the bill is outlined in the explanatory note. It is a simple, straightforward bill that provides for the establishment, if necessary, of a separate pension fund for provincial court judges. It establishes by statute the Ontario Provincial Courts Committee. It also includes the same provisions as applied to judges and extends them to Masters of the Supreme Court.

**Mr. Breithaupt:** Mr. Speaker, the bill before us is a parallel result of a situation whereby certain of our more senior judges have argued on occasion that they have been compromised in their independence because of the requirement to make contributions to certain pension plans.

The argument put forward in that regard would be referred to by my friend the member for Riverdale (Mr. Renwick) as a "cute" argu-

ment. Certainly, while it did form part of the argument in a recent case that raised constitutional matters, it is one the Legislature must deal with. In my opinion, the approach taken, if it had any serious claim behind it, was phoney, self-serving, greedy and generally disgraceful. I might add that I did not like it very much either.

All that aside, there is the requirement to ensure that no one would feel compromised by the necessity of having to make certain pension contributions to a plan, just as everyone else has to make certain contributions. I believe the bill before us will deal with the requirement to satisfy any view as to compromise on behalf of those who make decisions in those courts or under the terms by which masters operate. I think it will do so quite clearly without having to raise this argument again as to a compromise of judicial independence in this scene.

The second point that is raised deals with the formalizing of the Ontario Provincial Courts Committee. I should say that committee has been useful in dealing with recommendations as to salaries and benefits received by provincial judges. It may well be that we will further wish to amend its powers to make recommendations concerning members of the Legislature if the Commission on Election Contributions and Expenses ever proves itself unequal to that task. However, for the time being we will have to allow that legislation, and indeed that opportunity, to await the pleasure of the Lieutenant Governor, among others, in years to come.

We welcome the bill because it does clear up this point that was, I must say, perhaps of some concern to the participants. The fact that we have the bill before us now and can deal with it is welcome. The bill was only introduced on December 1, but it is clear that it is the sort of thing that can be dealt with reasonably expeditiously. I am pleased to speak in support of the principle of the bill.

**Mr. Renwick:** Mr. Speaker, I would like to speak on Bill 136, although not at any great length because of what my colleague the member for Kitchener (Mr. Breithaupt) has said, that this was a matter seen by certain of the judges to have touched upon the question of their independence.

Needless to say, I think the judgement of the Court of Appeal of Ontario on that issue satisfies me. Of course, the Valente case, where that judgement on the reference by the Attorney General (Mr. McMurtry) was made, will now go, as I understand it, to the Supreme Court

of Canada some time in March 1984, when the Supreme Court will give a definitive decision with respect to the independence of the provincially appointed judges.

In a sense, this bill before us now is part of the adjustment which, if nothing else, the action of the judges brought about from the government to clarify and rectify some of the issues which have become over the years a little cloudy and a little ambiguous about the relationship of the judges to the civil service of the province.

In substance, one of the results of this bill, despite the legal jargon in which the bill is couched, will be for practical purposes to bring the pensions and benefits of judges under the Provincial Courts Act in the case of the judges and under the Judicature Act in the case of the masters. Perhaps at some point the parliamentary assistant will comment about the small claims court judges and where they fall under the rubric of the questions that are involved in it.

The bill itself does not, of course, speak directly to the question of the quantum of the salaries of the judges. That is one of the major concerns which the process being developed has to address, as well as pensions and benefits.

**5:20 p.m.**

One of the major parts of the bill is to put in statutory form the committee that was originally established by order in council 643/80, dated March 5, 1980, which established a committee to be known as the Ontario Provincial Courts Committee. It stated, in that wonderful language of orders in council: "Whereas the Attorney General therefore recommends that pursuant to the provisions of the Ministry of the Attorney General Act and the Provincial Courts Acts, he establish this committee by order in council."

I think the committee deserves some comment. At the present time its members are Mr. Alan Marchment, who has significant experience in the trust company business—I understand he chairs the committee—Mr. Edward Greenspan, who represents the judges' associations on that committee, and Mr. Robert Carman, the government appointee, who I believe is the equivalent of the deputy to the Chairman of Management Board of Cabinet. I assume it is the intention that this will be the basic composition of that committee.

I want to register at least one thought with the parliamentary assistant, and perhaps through him with the Attorney General. Consideration

should be given to whether or not, given the terms of reference of that committee—that is, its ability to carry out whatever studies are necessary to get whatever information is necessary—the government appointee to that committee should not be a person other than one within the civil service of Ontario.

There is no problem in this instance with the person being a government appointee, but I think there is some merit in establishing a further sense of distance of that committee from its original conception by providing for that change. It is no reflection on the original member appointed by the government, Mr. R. J. Butler, when he was the deputy to the Chairman of Management Board of Cabinet, nor on the present holder of that office, Mr. Robert Carman.

I do not quite know where it will all come out in the end, but I have felt strongly since the issue arose—and indeed prior to the time when the judges raised the question—that somehow or other under our system of government, without believing in the absolute water-tight relationships or lack of relationships between the executive judiciary and the legislative branch of government, that it would be wise to follow the pattern of the federal government and bring the bills changing and altering the financial remuneration—in the global sense of that term—of the provincial court judges through the assembly for debate and discussion. At present what we have in the statute, or will have in the statute when it is passed, is a statutory committee of three persons, as I have indicated, who will then make recommendations in a report.

It is that report and those recommendations that will be tabled in the assembly. We all know that tabling in the assembly is not an immediate invitation to action. I am curious to know why it is that the government would not consider at this time making the decision that the financial remuneration, in all its aspects—similar to the remuneration provisions of the Legislative Assembly Act for the members—would be in the statutes of the assembly and that from time to time whatever debate necessary in connection with the establishment of those concerns would take place in the assembly.

Otherwise, I do not know how the parliamentary assistant sees the system to table recommendations operating. We have here no sense of what impact those recommendations are supposed to have on the government and what is then the government process by which consideration will be given to implementing or other-



wise those recommendations, other than just having the report around for a long time.

I think it is fair to say there have been reports, even of this committee, that have not been acted upon even though they may have been taken into consideration. Certainly that is true of the report in 1980 by this committee, which recommended for practical purposes, after doing the study and background work required, that there should be parity between the county court judges appointed by the federal government and the provincial court judges appointed by Ontario.

I will be interested as to what the process is after we establish this committee with the power to make recommendations. The assembly is brought in simply in the sense that the report is tabled in the assembly, but it does not alter the fundamental substance of the process by which the government alone makes those changes by order in council or by regulation under the Provincial Courts Act in the case of the judges, under the Small Claims Courts Act in the case of small claims court judges and under the Judicature Act in the case of the masters.

I happen to have the regulation that was filed on September 6, 1983, under the Provincial Courts Act establishing the salaries of the chief judge of the provincial court, \$76,598; the associate chief judge of the provincial court, \$72,952; the senior judge of the provincial court, \$70,224; the senior judge of the provincial court, civil division, \$70,224; and a provincial judge, \$68,939. I do not happen to have the salaries of the masters, which were established at the same time, but perhaps the parliamentary assistant could record them for us. As far as I can tell, the salaries of the small claims court judges are established, as of April 1, 1982, at \$65,700.

The quantum is a matter I think the assembly should be involved in. I do not think it should be simply a recommendation of cabinet and an order in council or a regulation passed under the Provincial Courts Act, and I would like to have the comment of the parliamentary assistant on that aspect of the question.

With respect to the judges, let me refer to an important aspect. What will happen to retired judges? What will happen to the provincial court judges and the masters who are now in retirement and are no longer full-time judges? I have the sense this process in one way or another does not deal with those persons who happen to have given their service and are now in retirement; but I may be quite wrong on that

and I am sure the parliamentary assistant will be able to tell me whether retired judges and retired masters will have the benefit of whatever process is related to pensions and benefits and will have some method by which they will benefit from the process that is being established.

5:30 p.m.

Certainly, when the Royal Commission on the Status of Pensions in Ontario was trying to deal with the question of provincial judges they made a comment about judges, and I think it is important in this debate that it be put on the record, because I think it will be a matter that will be before the assembly on other occasions as well when we have passed this enabling piece of legislation and when the matters will come before us.

I would like to quote briefly from the report of the royal commission. It states:

"Pensions for provincial judges: Ontario has jurisdiction over the pensions of some 190 provincial court judges and eight small claims court judges. Pensions for these judges are provided under the Public Service Superannuation Act in the same plan as provincial civil servants. The independence of the judiciary requires enactment of a pension plan for judges separate from that of civil servants. (A separate plan is maintained for members of the Legislative Assembly.)

"Recommendation 131. A pension plan separate from that for public servants generally should be enacted for all members of the judiciary to whom Ontario's legislative powers extend."

Then it goes on to make a technical recommendation with respect to earlier unreduced retirement benefits:

"Recommendation 132. The government of Ontario should not take steps to lower the existing retirement ages at which unreduced pensions are available except where it can be demonstrated that unreduced pensions at earlier ages are a necessity for a special group. In those cases, the additional cost of earlier unreduced retirement benefits should be fairly borne by employer and employees."

I believe I have covered the basic provisions of Bill 136 as far as I wish to at this time. I will await with interest the comments of the parliamentary assistant. It was the decision of our caucus, in discussing this bill, to support it on second reading and that there would be no need for it to go to committee.

Certainly, we have no problem in understanding that the regulations respecting benefits for



provincial judges and masters include the power to require contributions to the cost of pensions and survivor benefits. I do not think anybody could ever accept the proposition that a contributory pension plan or other contributory plans for different benefits affect the independence of judges in any way. We welcome that clarification.

I await with interest the comments of the parliamentary assistant on such of those points as he may care to comment on.

**Mr. MacQuarrie:** Mr. Speaker, back in 1968 the Provincial Courts Act made some provision for judges' pensions. At that time they were placed in the public service superannuation fund and dealt with as such. This statute, in effect, brings them under the proper statute, in line with the recommendation of the Royal Commission on the Status of Pensions in Ontario to which the member for Riverdale (Mr. Renwick) referred.

The honourable member raised a number of points. One point was the status of small claims court judges. It is my understanding there are no longer any full-time small claims court judges but rather they have all been appointed provincial court judges.

Dealing with the question of the committee makeup, the point the member makes in respect of the government's appointee is one that might well be considered, but the government at this time has no intention of changing the makeup of the committee. The government's appointee is expected, like the appointee judge, to act in an independent way, exercising independent judgement.

I suppose arguments can be made both ways. The fact that a person is knowledgeable of the conditions of employment, scales of wages and the like in the government would have some sort of advantage on a committee like this, but none the less the comment is worthy of consideration and not entirely without merit.

Dealing with the point made by the member for Riverdale with respect to retroactivity, I have been advised that the present consideration is that if a new pension plan is implemented it will apply to any judge who was active as of October 1, 1979, but who has since retired. I would also assume, having some idea of the fair-mindedness of this government, that if inadequate allowance had been made for judges and their widows, husbands or whatever the case might be, who ceased being judges before that date, the government would look very sympathetically at their position.

The member for Riverdale raised the very interesting question of statute as opposed to regulation in dealing with salaries to be paid and other working conditions of judges. It is the government's position at this time that the recommendations of the committee are to be enforced or not, as the case may be, by order in council. They are to be tabled in this House, conceivably at that time referred to committee as subject for debate and examined very carefully by this House. I do not really see that any authority of this House is being seriously compromised.

I might also note in reply to a query raised by the member for Riverdale that it is my understanding the salary currently being paid to masters of the Supreme Court is, for all intents and purposes, the same as that being paid to provincial court judges. I could be wrong by a few dollars one way or another, but that is the general scale as I understand it and I feel I am correct in passing on this information to the House.

I think I have dealt with the comments made by the member for Riverdale. I thank him for them, and I thank the members of the House for their indulgence.

Motion agreed to.

Ordered for third reading.

5:40 p.m.

#### BARRIE-VESPRE ANNEXATION ACT

Mr. Rotenberg moved, on behalf of Hon. Mr. Bennett, second reading of Bill 142, An Act respecting the City of Barrie and the Township of Vespra.

**Mr. Rotenberg:** Mr. Speaker, at the outset, I want to make it very clear that after second reading I will be asking that this bill go to committee, probably the standing committee on general government, for hearings during the winter break.

This legislation is intended to resolve a long-standing boundary dispute between the city of Barrie and the township of Vespra. This is a dispute which dates back to the early 1970s when a provincial-municipal task force studied the Simcoe-Georgian Bay area and produced a report delineating a Barrie urban area.

In 1976, following government acceptance of the task force recommendations proposing Barrie as an urban growth centre, the city applied to the Ontario Municipal Board. The city's application sought annexation of the three surrounding townships of Innisfil, Oro and Vespra. The

board heard evidence and argument over an 11-month period on the lands to be annexed and in October 1977 released its decision. This decision granted the city's request in large part, although precise boundaries were not clearly defined.

Innisfil township immediately challenged the decision in the courts and Vespra petitioned the cabinet. Over the six-year period following the release of the board's decision, the court case proceeded to the Supreme Court of Canada. In the meantime, Barrie and Innisfil came to an agreement on a new boundary which the province legislated in December, 1981.

When attempts by the city of Barrie to interest Vespra in negotiations failed to produce success, city council asked the OMB to resume its hearing on the application to delineate a precise boundary. There followed two more days of hearings this spring and a further court challenge.

The end result was that Barrie's application was sent back to square one, to a brand new board hearing on the merits of annexation. All this, as part of a board decision under the Municipal Boundary Negotiations Act, draws to a close on February 1, 1984, for matters relating to annexation. There has been over seven years of controversy. Literally millions have been spent on court costs, staff time and OMB time.

At this stage, to try to find a solution through an act of the OMB is not the answer. Negotiation is not feasible because one party will not negotiate. We feel legislation is the only way to bring this matter to a conclusion.

The committee hearings which I mentioned will allow further discussion on the location of the new boundary, as well as other issues arising out of the decision to annex. The details of the act and possible amendments, and I commit to the House that we will consider amendments, will be discussed in the committee hearings where we will hear from all interested parties in a full, open, public forum.

Although the bill in its present form is to take effect January 1, 1984, nothing can happen until the bill is finalized in the spring session of the Legislature. It will be business as usual in both municipalities until that happens. Although it is not yet firm, the chances are that the January 1 date will have to be changed when we get into committee hearings.

With these remarks, I would ask for the support of the House.

**The Deputy Speaker:** Order. There is a pocket in the centre of the second row of the

government benches. They have had quite a little chat. I wonder if they could keep it at a minimum.

**Mr. Epp:** Mr. Speaker, I am pleased to be able to speak on this bill. I regret its introduction. I do not believe it was necessary and I think it shows, again, the high-handedness of the Minister of Municipal Affairs and Housing (Mr. Bennett) and his colleague the member for Simcoe Centre (Mr. G. W. Taylor), who has been a close accomplice in the whole episode of trying to impose upon Vespra township a rape of some 5,000 acres or more within the next few months. The government is guilty of imposing upon Vespra an act in which they certainly do not want to participate. They certainly do not want to give up the land and they were prepared to negotiate with Barrie.

We have to question why the government would proceed through legislation when it could very well have proceeded through the Municipal Boundary Negotiations Act after February 1. We know that some years ago Vespra requested the Premier (Mr. Davis) to set up negotiations with Barrie. At that time, the Premier used his good offices to have negotiations.

They had three meetings. The meetings were not successful, not because of Vespra's attempt to thwart any progress on its part but because of Barrie's actions. Barrie was the one interfering with the progress of the negotiations to come to some amiable solution. As a result of this, Vespra is being punished with respect to this bill.

This whole act begs the question of whether a small municipality has any rights at all when it comes to this government. There is no doubt from the standpoint of political clout the member for Simcoe Centre, who is a member of this House and can speak to the bill, has been quite supportive of Barrie getting as much land as it wants from time to time. Of course, he can dispute my comments, but from speaking to people in Barrie and speaking to people from Vespra township, I know he has been quite open in his support of Barrie getting as much land as possible, certainly getting the land that is being incorporated in this bill to a maximum of 4,580 acres.

I would have thought, as the member representing both Vespra township and Barrie residents, he would have stayed neutral and would have tried to bring the two sides together to come to some form of amiable solution. Instead, he championed the cause of Barrie to get as much land as it could. As a result, we have this



decision, under which the government can use its majority to bring about the change which will impose a decision on Vespra to take away 4,580 acres. This represents about half the commercial assessment of Vespra which goes to Barrie. He can appreciate the position any municipality in this province—and there are a lot of them—would be in after losing half of its commercial assessment in one fell swoop. I find it untenable that the government of this province is an accomplice to that.

I would like to see the government try to justify taking away all that commercial assessment from a small municipality. One would have to speak out of both sides of his mouth when he wants to say that one represents the small municipalities and that he champions their cause when, in fact, he is going to be part of this decision.

Mr. Speaker, there are a number of other things that have to be drawn to your attention. One is the compensation for Vespra and for Barrie as far as legal costs are concerned. The Ontario Municipal Board had a number of hearings on this matter. The last time the Divisional Court was reviewing OMB decisions it decided the OMB was biased in favour of Barrie and it did not award any costs. It would be left up to the government to award some costs to Vespra township and to the city of Barrie.

What has happened is that both of these municipalities have incurred hundreds of thousands and maybe millions of dollars worth of legal costs since 1976. I asked the Attorney General (Mr. McMurtry) to take a stand on this because he is responsible for the Ontario Municipal Board. He and his colleague the Minister of Municipal Affairs and Housing could have come to some agreement to reimburse these municipalities with legal costs since the OMB is a direct servant of the province, but instead they have ignored that question. I would like the parliamentary assistant to address this question to see whether legal costs are going to be paid to both municipalities because of the interference by the province from time to time.

**5:50 p.m.**

If this bill is going to take effect on January 1, 1984, it seems we are rushing into it. I see no reason why we could not deal with the legislation first through the House. It seems we are in a hurry. It was introduced only on December 8, and here we are on December 13 being asked to pass it for second reading. I wonder about the urgency of the bill. If it has dragged on for a

while over the years, then why do we all of a sudden have to pass it within a few days of the bill receiving first reading.

I know the thing is supposed to go to committee on January 9 and I know the committee members will want to give both sides ample opportunity to voice their concerns. The original suggestion was that they were going to sit only for one week and then come down with a decision. Of course, I was not going to be part of just a one-week hearing because I think there are a lot of parties that want to be heard. I am glad to see they are now considering giving a maximum of at least up to three weeks to have both sides heard. I hope that will be ample time. If it is not, perhaps the decision will have to be deferred.

I think there are a lot of groups in both municipalities, including Residents Against Vespra Exploitation, which is a ratepayers' group, and a lot of other interested citizens who will want to participate. I very much hope they are going to be given ample opportunity to make those representations.

The question has to be asked how Barrie all of a sudden is going to be able to offer fire protection to this area, these 4,580 acres, starting January 1, how it is going to be able to look after the roads in that area and how it is going to be able to have all its assessment data in place on January 1.

Even if the bill gets second reading today—and I doubt very much that it is going to get second reading, the earliest time at which it could be completed is tomorrow—that will give them about 16 or 17 days to get everything in place. That is only with second reading; that is not third reading and royal assent, which I suppose will come some time in the new year. With the government using its majority it will be in March or April, I suppose.

The parliamentary assistant may have all the simple answers for this. I ask him to give us the answers as to how it is all going to be looked after very nicely. The government always tells us how well it manages the province and how well it manages everything else in this province, giving out gifts, etc. Perhaps the parliamentary assistant has some simple answers for us on this concern.

The other question is a conflict of interest which I suspect the reeve is going to have if he is going to sit on the Barrie council. This bill suggests that, starting January 1, one of the representatives on the Barrie council is going to be the reeve or some other elected official from



Vespra township. During the course of the future months Barrie will be discussing compensation for Vespra township, and the reeve of Vespra is asked to sit on the council of Barrie to decide how much it is going to give Vespra township.

I think anybody who understands democracy and who had any part in the passing of the Municipal Conflict of Interest Act would have taken this into consideration. The legislation certainly does not indicate the reeve cannot sit on the council in Barrie when compensation for Vespra is being discussed. There may be a simple answer to this. I am sure the parliamentary assistant will have it. However, it is not in the legislation and it is not in the compendium as far as the explanation is concerned.

The other question which must be asked is about the bitterness that is going to accrue in this area as a result of the legislated solution. The people of Barrie, and I have spoken to some of them, are extremely embarrassed by what is happening because of this kind of solution. I am sure there are a lot of fair-minded people in the city of Barrie. They do not want any part of this kind of legislated solution, this kind of rape of Vespra township which is occurring. They would have much preferred the route of going through the Municipal Boundary Negotiations Act and they wish the government would reconsider their proposal.

Still another point has to be raised. It has to do with the Ontario Municipal Board and its objectivity as far as this legislation is concerned. A number of us are aware that on November 24 and 25 the Ontario Municipal Board was hearing the delegations of Barrie and Vespra with respect to the annexation. On November 24, which was a Thursday, at 11:45 the Ontario Municipal Board recessed for 15 minutes, and at 11:50, five minutes later, Vespra township received a telephone call to come to the minister's office on December 8.

I wonder about the relationship between the Ontario Municipal Board and the ministry. The board recesses for 15 minutes, and five minutes later Vespra township receives a call from the minister's office saying, "We want you to come to our office on December 8." On December 8 what does the minister do? He announces to them that he is going to introduce legislation in the Ontario Legislature within the next hour to annex the 4,500 acres of land to Barrie.

Then the Ontario Municipal Board goes back and has some more hearings until three o'clock that day. They are going to give a decision on

that day as to whether they are going to permit the annexation. They do not make a decision; they say they have to have a written decision. The next day they bring in this written decision and say they cannot really make a decision on it. Then the minister becomes involved.

So one just wonders. It seems more than coincidental that five minutes after the recess announced by the Ontario Municipal Board the minister's assistant or someone would call Vespra township—and I am sure Barrie at the same time—and the minister would then indicate he wants them to meet before the municipal board had made a decision. I do not want to say the minister told them exactly what the decision was going to be, but he certainly did not give them any options. They knew ahead of time, or suspected ahead of time, exactly what the minister was going to do.

So one just wonders about the objectivity of the Ontario Municipal Board and how closely the board was working with the ministry officials. One wonders whether they really kept their objectivity in relation to this case, particularly when several weeks earlier the Divisional Court had accused the Ontario Municipal Board of being very biased in its treatment of this whole issue and had singled out two of its members for not being very objective in their treatment of this issue.

Another question that has to be asked has to do with the amount of acreage that is being initially allotted to Barrie. In its second-last appearance before the Ontario Municipal Board, before the last one on November 24 and 25, Barrie wanted to settle for 320 acres of land. In fact, they now have been given 4,580 acres of land, subject to the committee hearings. I just wonder why, if Barrie wanted only 320 acres of land, the government would, all of a sudden, say, "That is not enough land. We will give you over 4,000 acres of land in excess of what you asked for."

**The Deputy Speaker:** Observing the clock, would the member not agree that this might be an appropriate time for a motion to adjourn the debate?

**Mr. Epp:** I will be pleased to move the adjournment.

On motion by Mr. Epp, the debate was adjourned.

#### BUSINESS OF THE HOUSE

**Hon. Mr. Wells:** Mr. Speaker, before you leave the chair, I might just indicate the business

for tonight. Unfortunately, we cannot continue with this bill because the estimates of the Ministry of Municipal Affairs and Housing are before committee tonight.

We will start at eight o'clock with second reading of Bill 134. Then we will proceed with the business we would have done last night concerning the House in committee of supply on supplementary estimates in the following order: first, concurrence in supply for the Ministry of Education, followed by concurrence in supply for the Ministry of Colleges and Universities, followed by House in committee of supply to do supplementary estimates of the

Ministry of Community and Social Services, then concurrence in supply for the Ministry of Community and Social Services, followed by House in committee of supply to do supplementary estimates for the Provincial Secretary for Social Development, followed by concurrence in supply for the Provincial Secretary for Social Development.

At 9:45 p.m., wherever we happen to be, whether or not all that business is completed, we will call third reading of Bill 111. It has been agreed there will be a vote on that by 10:30 p.m.

The House recessed at 6:01 p.m.

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# **Hansard**

## **Official Report of Debates**

### Legislative Assembly of Ontario

**Third Session, 32nd Parliament**  
Tuesday, December 13, 1983  
Evening Sitting

Speaker: Honourable John M. Turner  
Clerk: Roderick Lewis, QC



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# LEGISLATIVE ASSEMBLY OF ONTARIO

Tuesday, December 13, 1983

The House resumed at 8 p.m.

## IMMUNIZATION OF SCHOOL PUPILS AMENDMENT ACT

Mr. Mitchell moved, on behalf of Hon. Mr. Norton, second reading of Bill 134, An Act to amend the Immunization of School Pupils Act, 1982.

**Mr. Mitchell:** Briefly, Mr. Speaker, I am quite aware, and in fact the members opposite have made the comment to me, that the compendium provided for them was very thorough. I would suggest that because of that thoroughness there is little need for me to make a statement at this time. I think the members are all clearly aware of the reasons for these amendments and I would elicit their support.

**Mr. Conway:** Mr. Speaker, I am substituting entirely, or pinch-hitting I should say, for the member for London North (Mr. Van Horne) who has a keen interest in these matters but who has not yet repaired from dinner. May I suggest that in his absence I shall retire to see if I can find him. Perhaps somebody from the third party would be pleased to fill the void while I go in search of my lost colleague.

**Mr. Mitchell:** Perhaps it would help the member for Renfrew North (Mr. Conway) if I gave a brief explanation.

He will recall the passage of the Immunization of School Pupils Act in 1982. This legislation empowers the medical officer of health to order the suspension from school of pupils who are not immunized or are in the process of being immunized subject, of course, to exemptions on the basis of religious or medical grounds. In the event of an outbreak of any of the diseases the medical officer of health is also empowered to exclude from school all pupils who are not completely immunized or exempt because of natural immunity.

The amendment that is being put forward today concerns an appeal mechanism. The current law provides that an order of a medical officer of health may be appealed to the Health Facilities Appeal Board which has been established under the Ambulance Act. This amendment redesignates the board that will hold the

hearings as the Health Protection Appeal Board to be established under the Health Protection and Promotion Act of 1983.

As well, the members will be aware the latter act is to be proclaimed shortly. The Health Protection Appeal Board which will have jurisdiction over other public health matters is clearly the more appropriate forum for appeals under the immunization statute. At present, lengthy absence from school can result pending the hearings as well, since there is no requirement in the present act for the board to act within a specific time period. While appeals have been few in number, the ministry recognizes that parents and pupils are entitled to a speedy decision.

Parents have 15 days in which to file an appeal. The amendment will require the board to hold a hearing within a further 15 days of receiving such a request. Therefore, hearings will normally be held by the end of the initial suspension period of 20 school days, or four weeks. I think those are the basics of the bill.

**Mr. Conway:** May I say at the outset what a pleasure it is to welcome my good friend the member for Carleton (Mr. Mitchell) in his capacity as parliamentary secretary to the Minister of Health.

**Hon. Miss Stephenson:** Assistant, not secretary.

**Mr. Conway:** He is the parliamentary assistant, as the omniscient Minister of Education points out.

I am delighted to see the member for Carleton taking so active a part in departmental affairs. We have always said over here, at least those of us from eastern Ontario, that young man from Nepean was certainly a man on the make. I wish him well.

**Hon. Miss Stephenson:** That is not the appropriate expression.

**Mr. Conway:** On the political—sorry, I do withdraw that. My mind does not quite operate as does the mind of the member for York Mills (Miss Stephenson) and I do take her advice on these and other matters. I will withdraw it because that might have left a wrong impression. I congratulate the member on his new responsibilities and thank him most sincerely

for his helpful explanation of what Bill 134 is about. As he knows—

**Mr. Stokes:** All you had to do is read the explanatory note.

**Mr. Conway:** As the former Speaker and member for Lake Nipigon (Mr. Stokes) points out, all one has to do is read the bill and the explanatory notes and one gets a good idea. Many members of this assembly are not much given to reading the bills, sad as that may be.

As far as we are concerned, we have no difficulties with Bill 134. From my experience as a member, when I met with a number of parents—not a great number, just a couple who had very serious concerns about the appeal mechanism that was in place under the initial legislation—I know they will be pleased to see this additional safeguard now being built into the immunization process by virtue of this amendment act. On behalf of the Liberal Party—

**Mr. Stokes:** Is it right you were inoculated and it did not take?

**Mr. Conway:** Is it right that I was inoculated and it did not take? If I can digress for a moment, a lot has happened to me in my time and it never took.

**Mr. Martel:** All you had to do was say you support this, but it takes you 10 minutes.

**Mr. Conway:** Yes, the member for Sudbury East (Mr. Martel) is a wise counsel. On behalf of my colleagues, we are pleased to see this amendment act. From my experience I know it deals with a concern of some parents and I will resume my seat giving my personal endorsement to the good works of my friend the member for Carleton, whose explanation I appreciate.

**Mr. Cooke:** Mr. Speaker, I will take only about two minutes. We will be supporting the bill. It is sensible. It is unfortunate there were not some time limits for appeals in the former legislation. Obviously, problems have been part of the system under the old appeal mechanism. The 15 days seems logical. I congratulate the ministry on the compendium supplied to us. It allows one to read the meaning of the bill in English rather than in legalese. Tonight we congratulate the member; tomorrow, when he is filling in for the minister, we shall attack him in estimates.

**Mr. Foulds:** Mr. Speaker, I want to say a few words on this bill. I am pleased to see this amendment. I have some interest in the legislation as a whole because there has been a major controversy in Thunder Bay, where the medical

officer of health suspended a number of school children from the system this past fall, the separate school board in particular, including the child of one of the trustees. They had never been notified they were supposed to be immunized. There was a very great lack of information put out about the program in the first place, regarding the necessity of having immunization.

In one case that was brought directly to my attention, one of the children had a letter from a doctor which indicated it would be dangerous for the child to be immunized and even that child was suspended from school. I am pleased to see this appeal mechanism has come into place so in circumstances such as that there can be a quick and easy remedy to the situation. I would suggest, as a matter of direction, that the legislation as a whole be applied with some intelligence and not in a dictatorial and authoritarian manner.

**8:10 p.m.**

It will take time to alert all people to the positive benefits of immunization. It is amazing that in this day and age, the latter part of the 20th century, a number of people are unaware of the benefits. Some people are unduly afraid and worried and some people object for genuine religious reasons. In a pluralistic society, all those considerations must be taken into account.

**Mr. Mitchell:** Mr. Speaker, I have no further comments. I am aware of the particular cases the member mentioned. Might I also say that we recognize this bill has created some problems. It is under further review and there may be other amendments coming forward at a later date.

Motion agreed to.

Bill ordered for third reading.

#### CONCURRENCE IN SUPPLY, MINISTRY OF EDUCATION

**Mr. Kerrio:** Mr. Minister, we are going to speak on a couple of issues that concern us very gravely.

**Hon. Miss Stephenson:** What?

**Mr. Martel:** "Mr. Minister." Oh well, Bette, so much for him.

**Mr. J. A. Reed:** It was an honest mistake.

**Mr. Foulds:** No it was not. It was slanderous.

**Mr. Kerrio:** What did I say? "Mr. Minister"? I am sorry. I will withdraw that.

The minister should back up a step and listen carefully. If she will recall, I wanted to change a bill and have "his or her" inserted. She is the one who insisted that should not happen, that we



should leave it as it was. So if I say "Mr. Minister," the minister, above all others, should accept it.

One question has always concerned me greatly and I would like to put it before the minister. It was brought to light again very recently when a group went to England to recruit help for some jobs here. I am going back to the concerns we had when we had to do the same thing for technicians for our nuclear reactor involvement. I would like to think that is one issue to which the minister might address herself.

**Mr. J. A. Reed:** It is education.

**Mr. Kerrio:** Wherever. It is not being done by any ministry.

**Hon. Miss Stephenson:** Oh, yes it is.

**Mr. Kerrio:** No. When we had to go to England to recruit for our nuclear plant, it is obvious no ministry was addressing itself to teaching our young people the technology that was going to be required somewhere down the road.

The reason I quarrel with the government, whether it be the Ministry of Education or some other ministry, is that we have so much lead time in the development of a nuclear reactor. We are looking at about eight to 10 years in terms of design and building. Surely with that kind of lead time we could have addressed ourselves to training our young people when the plant was going into operation. We should not have had to look to another jurisdiction to man that plant.

It seems very sad that we are doing the same thing in the higher technologies. I hope that somewhere in the Ministry of Education or elsewhere the minister may decide that this is a high priority of the government and address herself to that situation. All of us agree it would be a step in the right direction to put into place training methods and other ways of making certain that any job on the market in those fields, whether professional, semi-professional or technological, particularly in higher technology, is being filled by young Ontarians or Canadians.

**Mr. Stokes:** Mr. Speaker, this is the first opportunity I have had to commend the minister for the role she played in the controversy we had along the north shore of Lake Superior in the Lake Superior board. As a result of her personal intervention and the setting up of a commission of inquiry in the person of Rodger Allan, recommendations were brought forth in dealing not only with that specific situation but

more generally with the problems confronting most small isolated northern boards.

I know I speak for all of the people within that jurisdiction when I say most sincerely how much we, individually and collectively, appreciate the minister's intervention. I can recall at one point her saying: "We believe in autonomy. Whatever the board does, we will have to live with." It did not turn out that way and thanks to the minister it did not, as a result of her intervention.

Sitting on her desk now is a realistic appraisal of the state of the art in the field of education in most northern jurisdictions, particularly those far spread, such as the Lake Superior board. There are others, such as the Red Rock and the Geraldton boards, and the minister knows them almost as well as we northerners do.

The approach taken by Mr. Allan and the contents of his report accurately reflect the problems facing those boards, where one has declining enrolment, great distances for children to travel and where, of necessity, there is a lot more duplication than one would like in the delivery of educational services. But that is a fact of life in the north. The minister and her ministry have recognized that.

I have had an exchange of notes with the minister and she assures me that early in the new year they will be reacting to that Allan report and I am told through the grapevine that it will be in a positive fashion.

It is important because there is a lot of agonizing about the way in which education costs are spread among northern communities that are constituents of a particular board. Some of those communities have literally no industrial assessment, while others have a good deal of industrial assessment.

Since representation, and to a large extent the assessment, is based on residential as opposed to an overall combination of industrial, commercial and residential assessment, it causes a lot of disparity. Some of the communities that derive the most benefit pay the least taxes. That is not easy to sell even for a person like myself.

We are going to be looking to the Minister of Revenue (Mr. Gregory) to assist us in convincing those northern communities that there must be some equity built into the system. The only way one can have equity built into the system is by having a reassessment under section 86 of the Assessment Act.

**Hon. Miss Stephenson:** It has a new number.

**Mr. Stokes:** My colleague tells me it is section

63 now. The minister will know what I am speaking of, as will the Minister of Revenue.

8:20 p.m.

There is a lot of anxiety. As a result of the fact that they were able to save their schools, people realize they are going to have to come up with some extra dollars to make the whole system more equitable. They realize it must not impose an undue hardship, as is the case now in the Lake Superior board where a resident of Manitouwadge pays an inordinately higher amount of money for the same value as a resident in my home town, for instance.

I do not think that is fair and I do not think any fair-minded person in my home town would consider that fair. I think they are holding back and saying, "We will wait until we hear from the Minister of Education so we will have the whole package sitting in front of us. Then we will be able to assess how we should proceed with regard to reassessment under section 63."

My main reason for intervening at this time is to thank the minister for her intervention and to urge her to come up with some recommendation or a policy statement as a result of the Allan report. Then I think those communities can get on with the business of ordering their affairs in a much more equitable fashion.

During an earlier debate on the estimates of the Office of the Lieutenant Governor, I mentioned a trip to northern Ontario. I was talking about many of our first citizens in remote communities in the north where the delivery of an educational experience is the responsibility of the Department of Indian Affairs and Northern Development.

I do not think I am telling any tales out of school when I say that after native children progress from kindergarten, where they have them, or enter grade 1 through grade 8, of necessity they leave their community at a relatively tender age to further their education. From grade 9 upward they attend school in such places as Sioux Lookout, Kenora, Geraldton, Thunder Bay or Timmins. They find when they enrol in a grade 9 class that they are up to two years behind their peers. We know how disconcerting that is for any 13-year-old or 14-year-old. They become very disillusioned.

This is not the responsibility of this ministry, but I know the minister is aware of it and is concerned about it. For all intents and purposes, I think those schools generally follow the curriculum provided by the educational system sponsored by Ontario. In those communities, there are relatively inexperienced teachers and

there is not the kind of supervision there is in our system here in southern Ontario. I know the minister knows that has to be turned around.

One of the main recommendations of the recent subcommittee on Indian affairs in Ottawa was the proposal of Indian self-government. That is going to require either a total scrapping of the Indian Act or a radical change in it to give effect to the recommendations of that committee, assuming they will be accepted by the federal government. I would hope if that does come to pass, there will be some arrangement whereby Indian self-governments will seek the assistance—and I am going to encourage them to do so—of this ministry in order to get a better educational experience for their children.

I know it is impossible to sell the concept of complete integration by saying it is no longer appropriate for native people to be hived off and isolated in remote Indian reserves in the north. That is not going to happen, certainly not in our lifetime. I think we do have a responsibility to the people in those remote communities to give them a decent and relevant educational experience so that those who wish to integrate and come down to be computer scientists or whatever, will be in a position to make that decision or that determination.

The status quo as it applies to the education of the children of first citizens in the north is completely unacceptable. I know the minister and people in her ministry are monitoring that. Whenever the initial problem is solved in Ottawa to change that whole situation around, I hope this minister and the personnel within her ministry will be more than willing and anxious to improve that educational experience.

There is one other brief comment I would like to make with regard to this ministry. It concerns the northern corps schools. I do not think they are called that now, are they? The minister says no. These are the schools in places such as Auden, Armstrong, Collins, Allan Water and Savant Lake where I think we were successful in attracting some pretty competent teachers. I do not know whether that was because of their professionalism or their dedication. It may have been because there was a little extra financial incentive for them to go there.

I know about the educational experience the pupils get in those schools. Others might argue with me, but I happen to think it is far superior to what they are getting in the very remote communities in the far north. There must be a reason for that. I have never been able to pinpoint it other than that there was that



incentive. I am not sure the incentive is still there.

I want to know from the minister how she treats those schools differently from those under the jurisdiction of a school board that is relatively autonomous. The secretary-treasurer in most of the boards is usually somebody within her ministry and, in general overall terms, those schools seem to be operating reasonably well. Every once in a while I do get a problem that leads me to believe they are not quite as good or do not operate quite as efficiently as they once did. The minister knows the schools I am talking about. I do not think she calls them northern corps schools.

**Hon. Miss Stephenson:** Just isolate boards.

**Mr. Stokes:** They are usually administered by her ministry, giving local people an opportunity for input to the greatest extent possible. Notwithstanding the problems we hear from day to day about the educational system, we know we cannot stand still. In an ever-changing world we must continue to adapt to changes, accept challenges and make the educational experience for our children as relevant as it is humanly possible for us to do.

I am the last one to criticize what the people over there are doing, but we must keep on top of things. I hope the minister will accept our thanks for what she has done for the people along the north shore and for the Allan report. I do hope she will stand in the wings, if nothing else, and be ready to accept the challenge of those schools in the far north whenever that challenge is presented to her. If the minister gets an opportunity to reply, I hope she will tell me what she has planned for those isolate boards.

As I say, I do not get a lot of complaints, but every once in a while I hear a few rumbles and I get the sense that perhaps they are not working quite as well as they once did. Those are the comments I would like to make at this time.

**Mr. Bradley:** I am going to be uncharacteristically brief tonight simply because I understand we would like to get through several items. I will use the machine-gun approach on the minister. I understand she is not going to reply to everything I say, but will simply take into account all the pearls of wisdom that come from this side of the House, I think.

**Mr. Conway:** Now that the member has his pension increase, he should smile at the minister.

**Hon. Miss Stephenson:** That is right.

8:30 p.m.

**Mr. Bradley:** That has not gone through yet.

I want to touch on eight or nine brief items, in eight or nine minutes or less, to express some concerns to the minister. One concern I have is that the Martin proposal apparently has had some progress associated with it, that progress being that a committee many people consider to be a stacked committee has made certain recommendations on the Martin proposal for a revised funding model for education. The Martin proposal has generated a certain degree of support from those who feel they would benefit directly from it.

As the minister is aware, those of us on this side of the House have expressed grave concern about the possibility of the provincial government getting its hands on the sole source of direct revenue as far as municipalities are concerned. Of course, I am talking about the municipal property tax. Any of us who has served at the municipal level would certainly be resisting the temptation put before us by the Minister of Education through the Martin proposal to begin an assault on municipalities by taking part of those revenues generated through the property tax at the local level.

I once again express the view to the minister that we in the opposition find this specific Martin proposal unacceptable. We feel there are boards of education across Ontario that do not have a great deal of assessment available to them, both in the nondenominational public school system and the Roman Catholic public school system. This could be best rectified by the minister, through the Treasurer (Mr. Grossman), providing those additional funds from those sources of taxation which are considered to be more progressive and are available to the province. I will not dwell at great length on this.

I will leave it at that for the present time except to remind the minister—and the member for Hamilton West (Mr. Allen) will recall this—that she is to provide the member for Hamilton West and me with the figures on the percentage of the cost of education in constant dollars assumed by the province since 1975. The year 1975 was my suggestion. I think the minister suggested 1970, but she is probably having a hard time getting those figures from 1971 to 1975, or the computers are slow, or the minister does not want me to have this information before the House adjourns. I know she would want to expedite that matter as much as possible.

I also want to ask her to persuade her colleagues in the cabinet and others to ensure that members of the teaching profession are included under the Occupational Health and



Safety Act. I know the discussions have been going on; I would like to see that implemented.

**Mr. Martel:** We have that done.

**Mr. Bradley:** I hear the member for Sudbury East saying it is as good as done, so I will leave that topic.

Bill 82 is a matter of concern because of the funding, which many boards of education feel will not be there when it comes to the crunch in 1985. More particularly, I want to isolate again the situation which has been raised by me and by others in this House on a number of occasions, especially during the estimates.

This concerns the developmental centres and what is to be done with those children who at the present time attend developmental centres. I know the minister has said negotiations are progressing on that and discussions are taking place, but those parents who have children attending developmental centres are extremely concerned that there has not been the kind of progress they feel is necessary. As I have said to the minister on many occasions, they feel if things were left as they are at the present time, those children would be served in the best possible manner.

I hope the compromise the minister comes up with is acceptable to the parents and to the staff there and that we are not going to disturb unnecessarily a situation which, at least to the parents and to the staff involved, seems to be working quite well. I want to commend those who have been involved in that system. I also want to commend the Ministry of Community and Social Services for funding it appropriately.

In one sentence I also want to say I hope the minister will prevail upon the Treasurer to remove the sales tax on those supplies for students and other things associated with education that the boards of education have to provide. I know she would want to make that case as Minister of Education.

On the implementation of the Ontario Schools: Intermediate/Senior curriculum guidelines, I want to say it appears there will be very few boards which will come to the minister to ask for a postponement. It is obvious the directors of education are politicians as well. They want to be in the forefront; they do not want to be left behind with everybody else. I think the minister is going to implement essentially a shell in the first year and perhaps down the line.

I want to emphasize to the minister, however, that I think we—that is, all members in this House—do not want to create the impression that everything in OSIS is bad. I think the

majority of things in OSIS are good. There are a lot of good recommendations in there, and I want to tell the minister that. But we are very concerned about her timetable for implementation and the curriculum—and the provision and development of the curriculum are the main concerns—and also the thrust towards perhaps discouraging students from continuing education, which some have contended will happen.

In terms of computers and education, I have another one liner for the minister, because I promised I would be very brief tonight, and that is that I am still awaiting that meeting the minister promised the member for Hamilton West and me. That meeting was to include experts on computers who could offer comments and also the proponents of this computer plan, which I told the minister I hope works.

I am not sitting on the sidelines hoping it won't work so that we have a political gain; I hope it works. I have some doubts about certain aspects of it, but I sincerely hope it works for the sake of the students in the system. But it would be nice to get that big meeting together, maybe in January, where I hope we would have this exchange of views with the press.

The Allan report has been covered by the member for Lake Nipigon (Mr. Stokes). I was with Rodger Allan the other night and I commended him on his fine work. I am waiting for the minister to implement the recommendations and certainly he looks forward to that implementation. I thought it was a good report, if implemented.

I understand the grants will be announced to the boards of education relatively soon. I hope the minister will not be as stingy as her colleagues sometimes would suggest we should be in the field of education and that she will be providing adequate funding to boards of education so they do not once again have to use the municipal tax, which is a regressive tax that does not take into account the ability to pay of individuals in the community.

She has considerable clout in the cabinet, I am told. I have seen many examples of that and I commend her on having that kind of clout in the cabinet. I hope she will kick a few shins and elbow a few ribs and get just a little more money for the boards of education and, ultimately, the students of this province.

The last thing I want to mention is how pleased I was to see the Premier (Mr. Davis) deny the minister thrice on the college of teachers. I know she will say he did not, but I deliberately asked that question of the Premier,

rather than of the minister, because I know the minister has been a great proponent of the college of teachers.

She gave me the impression, which I am sure was shared by the member for Hamilton West, that she was ready to move ahead rather quickly without a provision for the 1944 compulsory membership or statutory membership in the Ontario Teachers' Federation as a condition of teaching in a publicly financed school in Ontario.

The Premier certainly cleared that up. When I asked him the question, he skated around a little bit. He is probably the best skater we have in Canada; we should have him in the Olympics.

**Mr. Kerrio:** Gold medal quality.

**Mr. Bradley:** Even at the age of 54, he moves around nicely.

**Mr. Conway:** According to the Globe and Mail, he is ready for a career change.

**Mr. Speaker:** Order.

**Mr. Bradley:** Nevertheless, he did in my view—I know the minister does not share this—deny the minister thrice in this issue. I am pleased to see the Premier has exercised the prerogative he has and I know the minister now supports him clearly on this.

Mr. Speaker, I promised I would be uncharacteristically brief and I have been. I know it is difficult for the minister to sit there and listen to some of the things I have had to say, but the final thing I did want to say was I hope she will capitulate to the opposition, to those of us in the Ontario Liberal Party who have for years called for a select committee on education to delve into all of those matters of an educational nature, particularly as they relate to funding, to give people in this province who are interested in education an opportunity to have direct input through hearings and to have as members of the committee those who are not simply in there doing their constituency work but who are in there to talk about educational issues, such as the OSIS document, in great depth.

I hope the minister will prevail upon the Premier. Since she has been forced to capitulate on one issue, she should force the Premier to capitulate on another and set up this committee, which I think would be beneficial to everyone concerned with education.

Finally, I want to commend her on agreeing with those of us in the opposition who felt the Teachers' Superannuation Act should be brought forward for consideration. It will be passed rather quickly on Wednesday with the approval,

I am sure, of both opposition parties. What did the member for Renfrew North want me to say?

**Mr. Conway:** Wish her a merry Christmas. That was all it was.

**Mr. Bradley:** Of course, I want to add that myself, to wish the Minister of Education and Minister of Colleges and Universities—as my colleague kindly calls her, czarina of all education—a very merry Christmas.

8:40 p.m.

**Mr. Allen:** Mr. Speaker, I, too, will be brief. I do not know whether it is uncharacteristic or not.

I noticed that my critical colleague from the Liberal Party suggested at some point in his latter remarks that the minister might capitulate in some fashion. I had not particularly noticed that was her style, and I would not suggest she should entertain that particular stance. It would shock us all to see the minister capitulate and would so unnerve us that we might find ourselves rather discombobulated. After all, we all appreciate foils; we all appreciate the challenge they present.

I, too, have a very brief list. Perhaps one of the unfortunate aspects of the kind of pressure we are under at this time of year, to pass legislation and a series of concurrences in a very short space of time, is that it does throw us on our books very fast and gives us very little time to reflect and cull the better items we might want to discuss in the concurrences that follow upon the estimates.

I do not want to repeat the issues that my colleague the member for St. Catharines has raised, but there are a couple of items I would like to add to that list. There was some discussion in our estimates of the survey report that the minister received on the kindergarten to grade 1 program in this province. At that time we asked the minister whether she was contemplating following that up with a rather more substantial survey inasmuch as some of the findings of the report itself, which were rather disturbing as reported, constituted a reflection both on the system and on individual teachers.

While I myself have not had a lot of correspondence on that subject in response to that report, what I have had has emphasized that aspect of the report. Can the minister tell us whether she is contemplating following it with a much more substantial survey to lay out more completely what program characteristics are in place as against the guidelines, ideals and aspi-



rations that we all have for that critical sector of education?

With respect to the remarks my colleague made on commercial-industrial pooling, I echo substantially the observation he made that the ministry's move in the direction of availing itself in one way or another of the commercial and industrial taxation resources that are now in the hands of local school boards has, as she knows, caused a good deal of unrest.

Further, I know that the alternative to actually appropriating in the field is simply to make allowances for the amounts that are collected by various boards in the granting system and thereby to leave those resources in their hands but in effect to dispossess them of the avails they would normally have had from exercising those taxation rights.

I would like ask the minister where that proposal stands at this time. It is apparent to me that the failure of the government to resolve the whole problem of separate school funding has given the minister her one ace in the hole, so to speak, with regard to commercial-industrial pooling inasmuch as the separate system is unable to avail itself of those resources to the extent that the others are.

Had the government seen fit to begin to advance the funding levels of separate schools in the intervening years, the minister not only might have had that support but also the separate school system might have had a much more adequate and equitable resource in terms of moneys for its own purposes.

It seems to me that the same issue tends to cloud the whole discussion of French schools governance, which I would like the minister also to speak on. I understand she had a meeting on the subject with at least the Association of Large School Boards of Ontario representatives, and perhaps others, at the end of November.

I would like to know whether the minister now is beginning to move towards some alternative scheme of French schools governance which would adequately, and without the contention of that proposal, provide suitable and appropriate control over the French school system by French electors themselves. It seems to me to be the central principle we are reaching for in this whole enterprise. The French community, of course, has as much right to direct participation in the direction of its schools as the separate electors have of theirs and the public electors have of theirs.

The real problem facing a small coterie of French school trustee representatives on a

much larger board is the kind of distortion that proposal obviously created at a number of levels in terms of both representation, since the electoral base was very different for those trustees from what it would be for the rest, and the artificial increase in the separate school component of those boards, which of course aroused a great deal of anxiety.

That part of the issue of French schools governance, namely, the issue of adding to the Catholic representation on the public school boards, once again would have been resolved if this government had moved more expeditiously over the years to adequate and full funding for separate schools. There has been a substantial rumour moving around in recent weeks that the government is going to augment separate school funding.

**Mr. Conway:** I heard that rumour in church again on Sunday.

**Mr. Allen:** If he heard it in church, he is getting it from the most authoritative of sources.

**Mr. Speaker:** Order, please.

**Mr. Allen:** I am not sure how much higher one can go. Is that higher or lower than the minister?

**Mr. Conway:** It is a parallel authority.

**Mr. Allen:** A parallel authority; depending on one's theology, one might judge that question differently.

In any case, the rumour is out there. One hears it from many sources, and one is not surprised that it has taken an imminent visit of His Eminence, the Pope himself, to move the government on this issue. But how small a step it is, as a response to that great occasion when Pope John Paul II will visit this country, simply to inch up the separate school funding into the grades 9 and 10 frame, where in some measure some of that funding already is there, depending upon the status of the separate school in question.

That does seem to be a small and nagging step. I hope that the rumour is at least false in this respect, that it errs on the conservative side, if I may use that word. I and, I think, many other members of this House would rather see the minister begin to move a whole new grade level, namely, grade 11, into that funding mechanism.

**Mr. Conway:** I thought you told us in estimates that grades 9 and 10 had basically all they needed.

**Mr. Allen:** Yes, but we got all tangled up on that, if the member will remember.

The minister was very clear on the whole



issue respecting schools in the continuation mode, but nobody seemed to be clear as to how many schools that was and whether it was a significant percentage of the overall number. If the minister could give us that number and that percentage now, it might clear that up a good deal. It is nice to say some schools have it, but if it is only a handful of six or seven schools in the system of the whole, it is hardly worth the remark.

**8:50 p.m.**

With respect to the Ontario Schools: Intermediate/Senior reforms, it is apparent that implementation will be going ahead in the fall of 1984. All my reading of the schools I have been in touch with makes that evident. I still think it is very unfortunate it has had to take that hasty course. In the schools in my community where principals have gathered parents to discuss the implementation of these reforms, the exercise has been very cursory and in many respects a rather paternalistic kind of undertaking.

Parents have barely begun to think about what this whole exercise is, and the minister put on a December 3 deadline, which effectively requires that any objection from any system will have to be made by that time; otherwise, the opportunity of extending for a further year is forfeited, as I understand it. What concerns me is that the discussions barely got under way with parents when the bureaucracy seemed to feel it was absolutely necessary to move and to have everything critically in place.

How customary that is. How often that happens. It should not happen, it seems to me, especially in an educational system where the whole point of the exercise ought to be to bring the whole community along together to engage in dialogue and a suitable educational process. That did not happen with respect to the OSIS reforms, with all respect.

In spite of the fact that teachers across the whole range of the profession formally objected, and the headmasters in the Ontario Secondary School Headmasters' Council and in each of the regional councils declared they were still opposed, even a month ago, to the implementation of OSIS, none the less that front at the headmasters' level seems not to have held. A few of them, who got it into their heads that they wanted to get this system under way in the fall of 1984, have set the pace for the rest. It looks as if the rest will follow.

I would like to hear the minister make her own comments in response to the remarks of the Premier with respect to his unreadiness to move

on the question of a college of teachers without the "enthusiastic support," to use his words, of the teaching profession. I would like to hear what precisely that means to the minister. Does that mean she will no longer suggest, even though the teachers will not want to negotiate the end of statutory membership in their federation, that it is part of the negotiation process? One cannot negotiate that item with people who do not want to negotiate it.

The Premier made it clear that he would not move on this subject without the enthusiastic support of the teachers. Of those eight points that the teachers suggested to the minister would be the basis of the negotiations with her, how many is she now prepared to concede she will look at?

Finally, I want to refer to a quite different sort of issue that is extremely critical and must weigh heavily on all our minds. In the wake of the debate we had on the nuclear weapons free zone and in the wake of that powerful, although it could have been a good deal more potent film, *The Day After*, I discovered in my community that, particularly with respect to the senior elementary schools, the word was out that teachers should not discuss that subject either before or after the film.

I have talked with my own area superintendent about that question. He told me a number of concerns: "Some parents might not like us to talk about it," "The teachers are not ready" and "Many of the teachers might find they are not as well informed as many of the students they teach on the subject." This is especially so in my own area where there are a lot of very questioning students who come from very well-informed homes.

I found that very distressing, because this is one of the issues of the age that we should be talking about with our young people. They ought to feel it is possible to communicate with their parents and teachers. But there is the impression given among teaching staff that this is not quite the proper thing to raise in the classroom or to discuss, if a child does raise it.

I wonder whether the minister has seen a moving film called *In the Nuclear Shadow*. It is a series of interviews with children in the north-eastern United States on their feelings and thoughts about the closed atmosphere that hangs around them with respect to that subject.

Surely, if education means confronting our children with the problems in the midst of which they have to grow up and which sooner or later they will have to cope with as rational citizens in

a democracy, then somehow the Ministry of Education must be preparing the way, assisting teachers and parents and setting a context or a mood where openness and discussion can take place on an issue such as that.

I hope to hear the minister make some remarks on that subject. I hope she will give some time in the coming months to thinking, in her own way, of course, as to how the ministry might respond to that rather urgent question.

I appeal to the minister again to look at some of the surveys of children's attitudes and feelings on this subject and the extent to which they have the impression that this subject is not one that their parents and teachers will discuss with them at length. I hope she will help us to resolve that apparent problem of reluctance in the school system to undertake an obviously difficult and certainly controversial but none the less immensely crucial question.

**Mr. Martel:** Mr. Speaker, I do not want to take a lot of time, but I have just received a report from the Laurentian Hospital dealing with speech pathologists.

The minister will recall that one of my primary concerns when we discussed Bill 82 was the training of staff. As we move closer to 1985, I am getting more and more concerned, particularly about what is happening to the children in my own area who need speech pathology and about their parents' hopes. I do not know the province as a whole in this field. I confess that immediately.

Within the past year, my colleague the member for Nickel Belt (Mr. Laughren) and I met over the problems of speech pathology in Sudbury. If one goes to the Sudbury Algoma Sanatorium, the preschool children are being tested and programs are being provided. Laurentian does the same with those who are severely handicapped. Both Laurentian and Algoma deal with adults, and in the middle are the children in the school system.

One school system has one speech pathologist, and another school system has one it has been able to hire two days a week from a private practice. It is totally impossible to meet the needs of the young people in school, let alone the needs of preschool children, with the number of pathologists available to us. The boards run ads. I believe one board is assisting a student in Quebec so as to have a pathologist to work in the French language.

**9 p.m.**

Ontario is going to have to do something. I

speak to the minister in her dual capacity as Minister of Education and Minister of Colleges and Universities. The number of students being accepted into speech pathology programs is not high. For example, the University of Western Ontario has 24.

I have a colleague whose daughter has an honours degree in language. She is in Chicago taking speech pathology because we enrol so few per year. We will never meet the needs. In fact, with regard to speech pathologists, in Sudbury right now at one hospital alone the list is 78. It is going to take 63 months to serve that need with the number of pathologists who are available. It is four to 12 months after their illness before they are even getting around to starting with some of the care that is necessary. They are testing the outpatients immediately in the hospital. Let me quote:

"The outpatient service at the speech pathology department remains underserved. As of June 1983 the waiting list has been increasing at a rate of 2.1 new outpatients per month and stands at 78 patients. The waiting time varies from four to 12 months, depending on the priority of the case. As of June 27, 1983, there has been recruited an additional staff therapist.

"With a referral rate of 3.8 outpatients per month, a rate of referrals seen at 4.8 per month and a waiting list of 78 outpatients, it would require approximately 63 months to reach an acceptable waiting list of 20 outpatients."

I am trying to combine both so that I will not speak on Colleges and Universities.

I am saying to the minister that there is a problem. There are not enough pathologists available. We do not have enough of them, I would think, in university to meet the demand that Bill 82 is going to create. Given the hopes of parents for what this bill is going to do when it comes into full force, we are going to leave a lot of parents disappointed.

The real problem is that the government has Health, Education and Comsoc involved, and I am not sure, I understand there is a study going—

**Hon. Miss Stephenson:** You said that is a problem.

**Mr. Martel:** Yes, it is a problem because I am not sure how the minister is co-ordinating her efforts yet. Everybody seems to be waiting. Apparently there was a study that was supposed to come out this spring, or is coming out now, that is going to indicate who is going to do what, when and where.

Surely the minister is not saying there is great



co-ordination among those three fields at the present time. She will recall—and I raised this with the minister of Community and Social Services (Mr. Drea) and I am glad he is here—in Sudbury Comsoc was being asked to fund for school children when the education system was not doing it, and the health system or Comsoc would pay if they were in institutions; but when they were back in the community they were without any type of program whatsoever because there were no therapists available.

You have these children in schools and they are not getting any treatment or help. If they were institutionalized they would get help and the type of speech therapy they need, but when they are in the education system and Education is supposed to be looking after it—the minister shakes her head no. Who is? When I named the three ministries, the minister said, “That is not a problem.” I think that is what she said.

**Hon. Miss Stephenson:** I said that you said it was a problem.

**Mr. Martel:** Yes, and I am saying again that it is a problem, because in fact I do not think the government has sorted out who is responsible for what and how much and who is going to provide the funding and the personnel. In the case of my colleague the member for Nickel Belt there were only 15, but I am told by the social worker that that represented about one tenth; that we are looking at maybe 150 kids in Sudbury who needed help and were not getting it.

It is a real concern on two fronts. We have to get some clear statement from the government of who is responsible for what, who is going to provide the funding. I think it is incumbent on her as the Minister of Colleges and Universities to look into the number of places in universities that are going to be turning out the pathologists we need to meet the need with the full implementation of Bill 82. I think we are very late out of the starting gate and if we do not get started shortly to rectify it we will be into serious problems.

As I say, Western is taking only 24 a year and they are not all going to graduate. I do not know what Toronto is taking. That is not going to meet the need, I do not think, because in Sudbury the need now just for the hospitals, Sudbury, Algoma and Laurentian, is 16 in the study I have before me. The minister shakes her head. She is going to have to provide a therapist for Manitoulin who speaks Ojibway and I do not think we have one who speaks Ojibway.

**Hon. Miss Stephenson:** Maybe Algonkian, not Ojibway.

**Mr. Martel:** That makes the problem much more difficult because we at least have to have some in that district who are French-speaking and some who are English-speaking. She is going to have to have some who are native-speaking. With the numbers we are turning out, either we are going to have to have it shelved or we are going to end up recruiting them in the United States. To me, that is an error.

I see my colleague's daughter with an honours degree in language going to Chicago at a tremendous cost to get a training she should be able to get in Ontario. She will come back here and do a magnificent job. In fact, one of the cabinet minister's wives is a psychologist and indicates to me that this young lady will come back as well trained as anyone we turn out in Ontario. That says to me there is something wrong with the system in Ontario. If we cannot turn out enough speech pathologists—

**Mr. Conway:** I know who you have been visiting, but I will not tell.

**Mr. Martel:** I was having dinner the other night.

I am saying that if that is the case, surely we should be really pushing the universities to meet some of the need that is going to be created by Bill 82 and that is really present, I suspect, in most of northern Ontario and perhaps in some parts of rural Ontario. I do not know about Toronto. As I say, I speak primarily for my own area from experience, having been involved. I would be interested to hear what the minister has to say in responding to the suggestions I have made about moving along.

**Mr. Haggerty:** Mr. Speaker, I want to address myself to the concurrence of the ministries of Colleges and Universities, and Education.

**Hon. Miss Stephenson:** We are not on that.

**Mr. Martel:** We are not there.

**The Deputy Speaker:** Order. I am sorry. The chair has been very tolerant. I followed the debate of the member for Sudbury East (Mr. Martel). He did ask that he tie the thread together from the estimates of Education. Some comments had to do with Bill 82 and he acknowledged he was putting some remarks forward. He was not going to be contributing in the next debate. We are going to hold him to that. I would ask the member if he will make it quickly or I will have to rule him out of order, because we have to get back to these estimates.



**Mr. Haggerty:** One never knows what they are going to do in this House from one day to another day, from one hour to another hour. The time changes—

**Mr. Martel:** That is not fair.

**Mr. Haggerty:** The member for Sudbury East should keep quiet. He had his say. I will tie my comments with Bill 82 then.

I am sure the minister is concerned about the frustration that has taken place in the Niagara region, particularly in relation to the developmental centres. My colleague the member for St. Catharines (Mr. Bradley) brought it to her attention previously. The present centres provide services for the severely handicapped children through programs which provide meals, individual instruction and medication. The program is funded directly by the Ministry of Community and Social Services.

I have a letter here, which I am sure the minister has received, from a number of concerned parents in the region. It is addressed to Dr. Bette Stephenson, dated November 23, 1983.

"Trust that you are now well aware of the concerns of parents who have children attending Harmony and Lincoln developmental centres.

"We are parents of a developmentally handicapped child presently attending Harmony in Niagara Falls and are very disappointed in the Ministry of Education that to date no definite stand has been taken in regard to their care and education come 1985." I suppose that is when the introduction will come into effect.

"We feel the ministry should be taking a very serious look at the whole viable facility. The consistent quality of service and care is excellent and the cost minimal in comparison to the education being provided to 'normal' children by local boards.

"At this point we as parents are satisfied that our children are being well looked after, as must the taxpayers who will have to pay more if this quality of service is to be maintained in 1985.

**9:10 p.m.**

"Bill 82 failed to provide for our developmentally handicapped children. Why cannot legislation be changed to accommodate these children and purchase of services be made allowing Harmony to operate in the present manner at reasonable cost to the ministry?

"The wishes of the parents have been totally ignored by her office and we feel that the above is the most logical solution also for the local

boards who do not feel confident handling our children.

"All of Ontario's developmentally handicapped could be receiving the same quality of service if the idea were implemented throughout the province, thus eliminating the institutionalized child, of which Niagara has the least only because of Harmony and Lincoln.

"Trust a reply is forthcoming from you, I remain,

"Sincerely, Dorothy Veenstra."

She does raise an important matter of concern to a number of residents in the Niagara Peninsula. I have had some dialogue with the parents concerned about Bill 82. They definitely feel they might be shortchanged on the present care that is provided at Harmony Developmental Centre in Niagara Falls. They are concerned that if that educational system is transferred from Community and Social Services to the Minister of Education under Bill 82 it will cost far more under the Niagara South Board of Education than as it is funded at present by the ministry.

I suggest the minister should take a good, serious look at their request. Perhaps that is the route she should be going, purchasing that service from the Ministry of Community and Social Services and letting Harmony Developmental Centre continue, as it is now, to provide excellent care for the needs of those children.

**Hon. Miss Stephenson:** Mr. Speaker, in response to the many items raised by the members, I must admit it sounded like a repetition of the estimates debate that was held not very long ago.

The member for Niagara Falls (Mr. Kerrio) raised the matter of nuclear technology training. Indeed, as I am sure the honourable members know, an extremely good nuclear technology training program has been established by Ontario Hydro in this province. It has been, I think, exemplary in the quality of the program it has provided.

I am also very much aware, of course, as are the members of this House, that each college in the college system, which has nothing to do with the present estimates of the Ministry of Education, has a program that relates specifically to the technological needs in the area of that college. Probably we will expand a little more on this in the concurrence of the Ministry of Colleges and Universities estimates.

I am pleased that the member for Lake Nipigon mentioned the Allan report and I am also pleased to report to the House that the

response to that should be available early in the new year. A significant impact on the general legislative grants will be noted as part of the response to the Allan report. There is very real concern that we can make a tremendous advance in educational opportunity equalization for children in both the northern boards that are relatively small and also in the isolated boards that were of concern to the member for Lake Nipigon in introducing a complex mixture of the technologies that have been developed related to education.

Some of our experiments, and they are experiments, in using the Ontario Educational Communications Authority educational microcomputers and videotext and itinerant teachers this year have been reasonably successful. In some instances they have been much more successful than we thought we would have an opportunity to hope for. I am optimistic that we are going to be able to meet the educational needs of those students, not simply through the traditional methods of delivery of educational program but through innovation in the delivery of educational program through distance education capability which we are rapidly developing.

I would like to remind the member for Lake Nipigon that about 6,000 of the status Indian students in this province are receiving an excellent educational program because they are attending schools that are under the control of Ontario school boards rather than under the control of the Department of Indian Affairs and Northern Development. In those instances the total curriculum of the public system is maintained for the students.

The level of the educational program or the quality of the program that is provided under the Department of Indian Affairs and Northern Development is of concern. We have had a number of consultations with DIAND and with the representatives of the native people in an attempt to improve the quality and to improve the program that is made available under those circumstances.

There really needs to be some greater uniformity for the native students, particularly in northern Ontario; there is no doubt about that. At the present time the comparisons between certain of the programs—for example, at Summer Beaver—and the program that is provided in some instances in the DIAND schools show they are really monumentally different.

It is unfortunate this difference should occur simply because of the place in which the student is living and because of the responsibility for the

educational program, which is within one government's jurisdiction rather than another's.

The member for St. Catharines raised a number of issues in his usual machine-gun style. I would be happy to tell him and the member for Hamilton West (Mr. Allen) that the Martin proposal is related to a matter that, I would remind them, Dr. Robert Jackson suggested very strongly we should investigate, and we have committed ourselves to investigating it.

The proposal and all of the responses to it have been placed before the Advisory Committee on Financing Elementary and Secondary Education, and that advisory committee has been working diligently in the direction of finding a more equitable distribution method for the general legislative grant. I had anticipated that I would have a recommendation from them early in December. It has not been forthcoming as yet, but I expect we will have it, I hope, before the end of next January.

It certainly is not going to be implemented in the 1984 GLG; that is not about to happen. But our commitment to examine this means of improving the equitability of education fund distribution I think is a moral obligation for the Ministry of Education and for the government of Ontario in spite of the rhetoric that is spouted so vigorously by the member for St. Catharines.

**Mr. Martel:** Oh.

**Hon. Miss Stephenson:** Well, it really is. It is a matter that was of grave concern to eminent educators and pedagogues who have looked very carefully at the methods of school financing and have determined that there is no means at the present time under the general legislative grant regulations to improve that equitability without making some major shifts, and it was on the basis of those recommendations that we carried out that examination.

I believe we were morally obligated to do so. I really believe that the philosophy of education in this province, which is based on as equal educational opportunity as is possible, is one that all of us would like to foster as vigorously as we can.

Both the member for St. Catharines and the member for Erie (Mr. Haggerty) have mentioned the developmental centres in relation to Bill 82. As the parents in those centres know very well, because I have communicated with them in a relatively full manner, consultation is in fact going on.

At both the central level and at the local level, the boards and the agencies in the area are being asked to examine the problems of providing



educational programming for those children in those areas, and in the new year there will be, I think, a relatively definitive statement from the Ministry of Education, the Ministry of Community and Social Services and the Ministry of Health that will delineate the responsibilities carefully.

But I would remind the honourable members that Bill 82 very clearly states it is the responsibility, or will be the responsibility on September 1, 1985, of the boards of education of this province to provide educational programs for every child within their jurisdiction, regardless of exceptionalism.

It does not say anywhere in that act that the boards will be responsible for providing the care and treatment for those children. This is why it is essential that there be co-ordinated effort on the part of the three ministries responsible and all of the agencies responsible to provide the support that is necessary for some children in order that their educational program may thrive.

**Mr. Martel:** It is not happening yet.

**Hon. Miss Stephenson:** Don't be so impatient. You are always so impatient.

**Mr. Martel:** Because those kids are suffering out there. Those kids need help now.

9:20 p.m.

**Hon. Miss Stephenson:** All right. Just relax for a while, okay?

I am really pleased to report to the honourable member for St. Catharines that the ICON computer is moving very well indeed and is living up beyond the expectation at the present time. It really looks as though it is going to be of great assistance to the students. I do want the honourable members to realize it is not going to replace teachers. It is an adjunct to education, a stimulus for children, a mind expander. We hope it will provide them with an improved educational program as a result of the commitment of a very large number of teachers and experts in computer programming now to the development of the appropriate courseware for students in Ontario and elsewhere.

I hope the general legislative grant will be available. I believe the Treasurer (Mr. Grossman) will be making a statement some time within the next few days about—

**Mr. Martel:** Thursday.

**Hon. Miss Stephenson:** Thursday, is it? Fine, I am glad the members know about the transfer levels. From that the Ministry of Education will have an opportunity within a period of about six

weeks to develop the appropriate regulations under the general legislative grant.

**Mr. Van Horne:** You said by Christmastime.

**Hon. Miss Stephenson:** I had hoped so, yes, but I have to have the information from the Treasurer first. I am sure the honourable member for London North knows that. Is it London North, South, East or West?

**Mr. Van Horne:** North. Save me from the South.

**Hon. Miss Stephenson:** He is London North, right.

The question regarding speech pathologists falls into that category as well. I think it is a mistake to suggest that for every child who has a pathological condition regarding speech there must be a full-time speech pathologist working constantly in conjunction with that child.

The role of the speech pathologist is to make the diagnosis, to prescribe the treatment and then to tell the teacher who is responsible for speech teaching how to go about doing it in order that the child may be appropriately dealt with. The suggestion that there have to be 16 speech pathologists for Sudbury is just a little exaggerated.

**Mr. Martel:** No, no. I am talking about the hospitals that are saying they need that right now.

**Hon. Miss Stephenson:** The hospitals really need to look at what it is they require as well. They may need them for stroke victims, but they do not need them for children with speech difficulties within the school system.

There are a significant number of young people going into those programs at our universities; there is no doubt about that. But we still live in a democracy in which free choice is the basis of career establishment for young people—

**Mr. Martel:** They do not take in enough students.

**Hon. Miss Stephenson:** I think they take almost as many as apply. There are indeed a significant number who are applying, and it is certainly our hope that the increase in demand for the courses will be a stimulus to the universities as well, because the universities determine which courses and the size of the courses they are going to offer.

It is somewhat like the faculties of education, which have expanded their capacity for special education instruction for teachers dramatically within the last couple of years, so that in



September 1984 it will become an integral component of the teaching experience of all graduates of faculties of education in the province. I think we will be seeing the same thing regarding those specific support staff who will be required.

There was an interesting comment from the member for Hamilton West regarding the two films. There was, specifically, no central direction from the Ministry of Education related to the requirement to discuss or not to discuss them within the classroom. That was left entirely to the local teachers unless certain boards made some statements to their teachers.

No one knows the capacity of students to accept, to understand and to deal with such subjects better than the teacher who is dealing with them on a day-to-day basis. We rely very heavily on the professional capacity of those teachers to make the appropriate decisions regarding that. Surely there is a fear in much of the population regarding free and open discussion about subjects such as that, and I understand that.

I am not sure it is the responsibility or the duty or even the right of the Ministry of Education to suggest there must be that kind of open discussion in all circumstances within the classroom. I think that kind of central direction is somewhat 1984-ish. I would hope the determination would be made at the local level about the way in which such sensitive subjects and difficult subjects will be dealt with. Certainly, we will be happy to talk to teachers and to boards of education about dealing with those subjects.

I would like the members to know that early in 1984 a long-awaited event is going to take place with the distribution of the first published document on the teaching of values education within the schools of Ontario. It has been developed not only for support and as a resource guide for teachers, but also in a way that is understandable to parents so they will know what is being taught in that area within the school system. It is not going to be taught as a separate subject but integrated into the educational program for all children.

I have already moved concurrence.

Resolution concurred in.

#### CONCURRENCE IN SUPPLY, MINISTRY OF COLLEGES AND UNIVERSITIES

**Mr. Sweeney:** Mr. Speaker, just very briefly, as the minister well knows, my critic area now is the Ministry of Industry and Trade. It is no

longer the Ministry of Colleges and Universities as it was at one time.

However, in the new critic area, as I am sure the minister would expect, from time to time I come across the problem of training, particularly in the industrial domain and environment. The minister will recall when I was her critic I frequently had to draw to her attention my concern about the quality of training available to people moving into an Ontario industry and, in some cases, the lack of that training.

The minister will be well aware that there is a considerable amount of criticism throughout Ontario from faculty members, from university presidents and from students about the facilities available to them. I would draw to the minister's attention an article that was in the *Toronto Star* on December 8. The minister may want to comment on one section of this article.

It was quoting some comments by an executive of Crowntek. As the minister knows, that is one of the new subsidiary companies of Extendicare Ltd. It is not really all that important. However, the point was that this particular executive was pointing out that Ontario students—he was talking about Canadian students as well—are at a distinct disadvantage with respect to the facilities available to them.

I will quote directly and then the minister can refer back to it later on. He was comparing Ontario universities with those in the United States. He makes this observation: "I have been turned off mightily. I see magnificent buildings, but junk as far as equipment goes. They don't have palace buildings; they have palace labs at Stanford."

I would draw to the minister's attention that there are a number of faculty people in Ontario universities—to a certain extent less so in the colleges, but certainly in the universities—who would not go quite that far, but who would and are continuing to be concerned about the quality of the labs that are available to them.

The minister will well remember the great hullabaloo we had at the University of Toronto about a year ago over the condition of the zoology labs, biology labs and chemistry labs, of people doing experiments in washrooms, according to one such reference.

9:30 p.m.

This particular commentator goes on to say that in his judgement the University of Waterloo is one of the exceptions. I presume he is referring to the computer facilities, the math facilities and things of that nature. The point does remain that we are getting some serious

criticism about the facilities in this new high-tech age. I also want to draw to the minister's attention a recent *Globe and Mail* report entitled *Report on Ontario*. The heading is "High Tech Will Be the Focal Point of Strategy."

The minister is well aware that the Minister of Industry and Trade (Mr. F. S. Miller) for Ontario, and I suspect for cabinet as a whole, has made such things as the technology centres and the Innovation Development for Employment Advancement Corp. the focal point of the Board of Industrial Leadership and Development strategy on the industrial policy for Ontario.

Let me draw to the minister's attention what this particular writer said about the kinds of things I just mentioned. The article says: "But there is a weak link in the province's master plan. Concerns are growing that, despite the host of programs available, Ontario universities may not be able to supply enough brain power to implement them."

"The Canadian Council of Professional Engineers earlier this month warned that several universities and their engineering graduates may not receive immediate professional accreditation because of the steadily deteriorating quality of courses."

**Hon. Miss Stephenson:** That is not true.

**Mr. Sweeney:** I am sorry. The minister is quite free to comment on that particular point.

The point that I want to make, and I am making it very briefly, is that there is a growing concern, and there has been for quite a while, about the validity of the new high-tech thrust for this province if we are not going to have the proper training, the proper facilities and the proper access for Ontario students to get the kind and quality of education they need in order to capitalize on the new technology.

As a matter of fact, along with a member of our research staff I recently did a survey of a very large number of Ontario industries we felt could particularly use the facilities of the tech centres. We asked them what their thoughts were. Again and again the question of training came up. In their judgement the tech centres have some viability and validity, but they did not see the associated training mode and the training model. This was simply a survey of industries across Ontario.

I want to refer once again to a point raised in this House recently. I would have to use the word "embarrassment" the feeling that is present in most of us when we hear increasingly of recruiting teams having to leave Ontario to go over to England. I think that was the most

recent reference. Of course, there was some problem about the amount of money the teams are spending. That was a concern of some of my colleagues, and I share their concern in that regard, but much more important, my concern has to be why it is necessary for that to happen.

My colleague the member for Niagara Falls (Mr. Kerrio) mentioned earlier the whole question of having to go to England for several years to recruit nuclear technicians for the nuclear power plants in Ontario. The minister points out that is perhaps no longer necessary because Ontario Hydro is doing it itself. At the time when that was the problem it should not have been a problem because the nuclear generation industry had been well in place in Ontario for approximately 10 years at that time.

Yet we are facing the same problem now. We are having to have ministries of the government of Ontario go to England and other countries to recruit people who should be receiving their training right here in Ontario. It is all a part of one circle in that the needs of the province in terms of the new technologies and the new directions that the industrial development of this province is going to have to take are not being met by our own training facilities. I would certainly appreciate hearing the minister react to those comments.

**Mr. Allen:** Mr. Speaker, I want to make a few remarks in this concurrence on the estimates of the Ministry of Colleges and Universities.

First of all, let me simply underscore what the last speaker has just said with regard to equipment and laboratory facilities in the university system. He is quite right. He and many others have been hearing about problems in that respect at a time when we should at all times be providing our students with the level of equipment that produces the sort of training we need for a crop of young, oncoming professionals in all areas to equip our economy and our service sector with the first-class services and training they require.

I know the minister last year felt quite happy she provided some \$12 million to \$13 million a special one-time grant to deal with this question. I think the House and the public did not realize the \$13 million lay over against a system requirement which was hugely in excess of that. The Council of Ontario Universities had estimated, having tallied up the quantities needed that a rational program of equipment replacement, quite apart from the library acquisition that were built into that grant, would itself have required a \$31-million starting fund.



When one looks at the backlog in library acquisitions, which many university libraries are now not going to be able to make up because the books are not in print any more, having fallen to 21 per cent of the level of expenditure in real dollars of the early 1970s, the shortfall there is somewhere in the order of another \$20 million. So the \$13 million in that grant lies over against the \$51-million price tag that would go to a rational replacement of equipment and library facilities.

I have been around to many of the universities in the course of the last few weeks and I asked them specifically about how they were able to take advantage of that money. Of course, they were pleased to get it. For example, at Queen's University, where they doled out their approximately \$800,000 in \$40,000 grants to various departments to spend on equipment, there was not a single head of one of those departments who did not have a minimum budget of at least four times that amount. That is the backlog that exists at the equipment level, department by department, in the sciences across this province.

Let me make a remark or two about accessibility. This season began with a controversy about accessibility. The minister inaugurated it by a number of ill-chosen remarks and followed it by three different positions before she finally came back to the Frost-Roberts formula. The main proposition of the minister that there would be a place in the full secondary system for all qualified graduates, however else one slices her remarks, just does not hold up in terms of this fall's statistics.

**Hon. Miss Stephenson:** Oh, really.

**Mr. Allen:** Yes, quite.

If one looks at the university applications against the university acceptances on a preliminary basis—not all those figures for the universities are available to me and I have phoned them all to learn them—there is almost double the number of applicants. There is, for example, a 5.9 per cent increase in application levels over the previous year, whereas there is only a three per cent increase in acceptance. With that slippage in the university system, the question then arises as to whether there is space in the colleges. When one looks at the college system, it is quite apparent there simply is not space.

For example, in 1982, as against 97,000 some applications, there were 45,000 acceptances into the first year of that system, half the number who applied. In 1983 there were almost 112,000 applications to get into the system and

the first-year enrolment is up only some 2,000, for a total enrolment of 47,600.

**9:40 p.m.**

As for the universities, the increase in applications is running ahead in percentage of the percentage of increase in the enrolment; namely, for the system as a whole a 15.1 per cent increase in applications against a 5.1 per cent increase in first-year enrolment. In Metropolitan Toronto and the commuting districts around it, there is even a greater gap in the figures. The applications in 1982-83 went up by 17.9 per cent while enrolment increased by only 4.5 per cent. One has escalating applications on one hand and only marginally increasing enrolment on the other.

It is true, as some have said, that many of those students ought to be able to go north where there are places in the universities and colleges. My discussions with students in the university and college system is that they simply are not able to afford to go away. That is especially true in some regions of the province such as the Niagara Peninsula. I have talked with students who were not accepted at Brock because they only had a 64 per cent average and they are not able to afford the money to go to Windsor where there were places.

There are certainly places in the northern colleges, where the applications went up by 13.7 per cent but for some reason or other the actual enrolment there increased by only 1.2 per cent.

As one looks at the bare statistics on the university and college system and tries to reflect on them, it seems that qualified students are not finding places in the university system and they do not have a backup system to go to that will necessarily fulfil their needs in the colleges. It may not be what they wanted in the first place, but even if they compromise to that extent the accessibility problem is there, it is obvious, it is manifest and it is created by the minister and her ministry in a funding trend that has been undermining the capacity of the system at the college and university level.

The minister, when speaking just a few moments ago in the Education estimates, said this province strives to provide equal educational opportunity. Equal educational opportunity is simply not there in the college system, and it is not there at this time in the university system.

There are other remarks I could make on this subject to carry it further, but I simply wanted to make that one salient remark about the post-



secondary system as a whole and to confine my remarks to that.

**Mr. Conway:** Mr. Speaker, I told my friend the member for Scarborough West (Mr. R. F. Johnston) that I would make these remarks in two minutes or less, notwithstanding the fact someone on the other side sent over some bathroom tissue that carries a caricature of our esteemed Prime Minister. On so historic an evening as this, I would consider that to be a slight, if not worse.

I have only one question to the Minister of Colleges and Universities. She will know that in recent days there has developed within Toronto and in the province beyond a very active debate about the future of the Royal Conservatory of Music.

**Hon. Miss Stephenson:** That is not in my bailiwick.

**Mr. Conway:** The minister says in a private aside that it is not in her bailiwick. Since her bailiwick is indeed a considerable one, I wonder whether she would care to offer an opinion about the plans of the University of Toronto with respect to this historic, 96-year-old, world-class conservatory.

We have read in today's paper that some offshore airline is about to move into historic McMaster Hall and potentially turn it into a hotel or whatever. I know the music students of York Mills and Renfrew county are quite concerned that this historic and outstanding conservatory ought not to be compromised or detracted from in any way. Perhaps the minister might favour us with a view or a comment on her responsibility, if any, with respect to the Royal Conservatory of Music.

**Hon. Miss Stephenson:** Mr. Speaker, there are just one or two comments I would like to make. First, I would like to reassure the member for Kitchener-Wilmot there has been a considerable effort made over the past five years in the skills development programs, which are bearing fruit.

I am delighted that in spite of the recession we have managed to maintain a significant increase in many of the apprenticeship and technologically regulated skills development programs over the past two years. I am also pleased there are larger and larger numbers of young people attempting to participate in such programs. I see this bodes well for both the college system and the other skills development programs that are in the process of being expanded.

I have some real concern about the expres-

sion the honourable member has provided related to the university system. The autonomy of that system ensures they make the decisions about the way in which they will spend money. I will continue to try to provide as much as possible for them, but I do not decide whether they are going to spend it in one way or another. It is my understanding that the Association of Professional Engineers of Ontario does not state there is a concern or that there is jeopardy related to the accreditation of the engineering faculties in Ontario at present. I have been told they are quite safe for another five years. I am sincerely hoping there will be a significant turnaround within that time.

As far as the member for Hamilton West (Mr. Allen) is concerned, I should like him to understand that the figures I have related to the acceptances and the total number of applications for the universities are almost exactly the same this year in percentage terms as they were last year. There has not been a very significant difference, in fact there has not been a major difference at all, in the rate at which students are being accepted at universities. As of September 30 there were large numbers of places left in arts and science programs in various universities of the province, including southern Ontario.

I should also like the member to know that the multiple application syndrome which prevails within the college system is very much involved in those relationships of the figures he announced a few moments ago. But, as of September 30, in 50 per cent of all the courses provided in all the colleges of applied arts and technology in Ontario, there were vacancies. At this point we are not overloaded.

I am not sure what is going to happen next year, because the demographic crunch actually begins to hit the post-secondary system in 1984. I am hopeful the participation rate will continue to increase in order that there will not be a major shift in attendance at those post-secondary institutions.

As far as the debate that is going on related to the faculty of music and the Royal Conservatory of Music, I have the same kind of warm feelings—or warm fuzzies, as my deputy would call them—about the conservatory, which is designed to help young people to become performers. The faculty of music is designed to help young people to become knowledgeable scholars in the area of music. They are two quite different things. Are they compatible? I do not know. Indeed, it is not a matter that falls within

the jurisdiction of the Minister of Colleges and Universities.

If the honourable member has some real concerns about this, he would do well to make those concerns known to the president of the University of Toronto and to the dean of the faculty of music.

Resolution concurred in.

#### PUBLIC SECTOR PRICES AND COMPENSATION REVIEW ACT

Hon. Mr. Grossman moved third reading of Bill 111, An Act to provide for the Review of Prices and Compensation in the Public Sector and for an orderly Transition to the Resumption of full Collective Bargaining.

**Mr. Foulds:** Mr. Speaker, on behalf of my colleagues in the New Democratic Party caucus, I would like to oppose Bill 111 on third reading.

9:50 p.m.

It may well be this is the last time in this Legislature that I rise to speak against the bill, but I want to assure members and the government that we will be speaking against this bill and its provisions on the hustings. We will oppose this kind of legislation whenever and wherever it appears.

By preaching restraint in this fashion, this government commits two fundamental flaws. First, it continues to victimize the victims of recession. It practises and victimizes public sector workers in particular. It is not the people who are working in the public sector, the nurses' aides, the men who operate the graders for the Ministry of Transportation and Communications or the people at the municipal level who collect garbage for municipalities who have caused inflation. It is not those people who caused the great recession of 1981-83. Yet this government's sole economic initiative to combat the great recession of 1981-83 is to impose restraint on public sector workers. They did it in 1982 with Bill 179 and they do it in this legislation this year.

**The Deputy Speaker:** Order. Could I just remind all members that, as the honourable member well knows, the principle of the bill has been debated. The individual sections have all been debated, and now we are debating whether it shall proceed to third reading; a member is either opposed to that or is for it. If we could keep our remarks within the perimeters of those orders—

**Mr. Foulds:** I was just leading up to that, Mr. Speaker, and I thank you for outlining the terms of the debate.

During the course of the debate on first and second reading and at committee stage, a number of questions were posed to the Treasurer (Mr. Grossman). None of those questions has been answered. That is what third reading debate is all about: picking up the pieces of items that have not been dealt with during the course of the previous debate.

**The Deputy Speaker:** With all due respect to the member—

**Mr. Foulds:** I suggest to you, Mr. Speaker, before we allow this bill to pass, certain flaws in the legislation which have been pointed out have to be addressed. This is the last chance this Legislature has to deal with this bill. I suggest to you that it is not your job to intervene and to interfere in legitimate concerns that have been raised during the course of the public and private debate.

**The Deputy Speaker:** Order. Will the member please take his seat. I remind the member that I am not entering into the debate. My function is merely to assist the members in staying within the rules of the debate.

As to third reading, I remind all members that we are debating whether it shall be reported for third reading. The member is either for that or against it. We are not going back to the principle; with all due respect, I tell the member we are not, nor are we dealing with the individual sections. I am sure he can agree with that.

**Mr. Foulds:** Mr. Speaker, let me explain to you why I think the bill should not be reported for third reading and why it should not be passed.

**The Deputy Speaker:** I have to remind the member that I am not proposing to enter into a debate with him.

**Mr. Foulds:** You certainly are, Mr. Speaker. You have entered the debate.

**Mr. Martel:** You have jumped into it with both feet.

**The Deputy Speaker:** Third reading.

**Mr. Foulds:** Let me just say that a number of questions were posed to the Treasurer, both in the public hearings and during the course of the clause-by-clause debate. None of those questions has been answered. Because none of those questions has been answered, I am going to raise them again on third reading so the Treasurer



will have a chance to allay our concerns. Is that not fair?

**The Deputy Speaker:** Fine. If the member is going to be putting his reasons for being opposed to it going to third reading, then that is quite within the orders.

**Mr. Foulds:** Okay, Mr. Speaker, these questions were raised in the committee. I am specifically raising them here so the Treasurer can address them. These were questions that were raised by Mr. O'Flynn of the Ontario Public Service Employees Union. The Treasurer did not take the opportunity in committee to respond to them.

Mr. O'Flynn put these questions directly to the Treasurer: "How do you justify one law for the rich and a different law for those at the bottom of the wage ladder? Why did the doctors get a catch-up raise while women workers at the low end of the wage scale got rolled back? Ability to pay was not a problem in finding money to pay doctors. Why then is it such a problem when it comes to paying secretaries?"

"Ability to pay simply means your willingness to pay. You are willing to pay 20 per cent increases to doctors, but you are unwilling to correct your past failures to implement equal pay for work of equal value for your own women employees. Why? Why are you making public sector workers the scapegoats again? Why are the public sector workers' rights being restricted even more, in spite of the Supreme Court's ruling? Where are you going to find an arbitrator with any integrity to do your dirty work for you? If an arbitrator awards more than five per cent to any group within the public service, will the Ontario government honour the award?"

"Bill 179 at least recognized the special situation of first contracts whereby newly unionized workers could achieve comparability with union rates. Bill 111 does not. What if an arbitrator awards more than five per cent for a hospital group's first contract? How is the hospital to deal with this?"

"The federal government has suspended implementation of the metric system because the courts have ruled that it violates the Charter of Rights. Since the Supreme Court has ruled that Bill 179 is also largely unconstitutional, why does the Ontario government not do the same and restore our rights to us?"

Those questions have not been answered during the course of the debate. That is why I am saying this bill should not be reported for third reading.

The second reason I believe the bill should

not be reported and passed for third reading is the government's callous, thoughtless and senseless defeat of the amendments put forward by my colleague the member for Welland-Thorold (Mr. Swart) on the price side to put some real teeth into price control through this legislation. The government has shown that it has failed totally to deal with the problem of controlling prices. If the purpose of the bill is to provide an orderly transition, which is one of the things it pretends to do, surely the government must hold faith with the people of Ontario and try to control prices. It has failed to do that either in this legislation or at large over the past 10 to 12 years.

Third, one of the reasons given for Bill 179, and one of the reasons given time and time again for this legislation, is that it provides security and that somehow the security of the workers is unquestioned. I point out that in our hearings not one person could testify before the committee that workers had more security because of either Bill 179 or Bill 111. Time and time again they pointed out they had lost membership, that there was contracting out in nursing homes, for example. The much-vaunted security, the much-vaunted tenure supposedly granted to public servants is a fallacy.

This bill proves again that the government does not have the will to manage the economy. It is because it lacks that will to manage the economy that it has brought in this kind of legislation. I want to read into the record a new piece of information that has come to me since the conclusion of the clause-by-clause debate. It is a letter from the Thunder Bay branch of the Canadian Red Cross Society. This is a volunteer organization that provides a very worthwhile service in Thunder Bay. The letter says in part:

"The projected 1983 deficit for the homemaker service provided by the Canadian Red Cross Society in Thunder Bay is \$10,000. The United Way was unable to meet our request for funding, and the overall projected deficit for the Canadian Red Cross Society, Thunder Bay branch, amounts to \$12,000. Unless the act is lifted, our financial situation in 1984 will be worse.

"Although the wage restraint legislation included mandatory increases of five per cent, plus \$750 to \$1,000 for low-income workers, the government exempted the Red Cross from compensating its homemakers in 1983. Because the Ontario division is experiencing similar problems elsewhere, our branch has been directed to freeze homemakers' wages in 1984. It is



unfortunate"—and this is the part I want to emphasize—"that these low-income, often sole-supporting wage earners should be required to bear the burden of the restraint program.

10 p.m.

"Our major concern is that two consecutive years of insufficient rate increases will not allow us to compensate our employees fairly. These dedicated women who acquire training and experience are earning little more than minimum wage."

This letter shows that what this bill has done is to shift the responsibility for paying decent wages to employees on to local volunteer boards as well as on to the municipal boards.

What this bill has done is destroy confidence and trust. This bill should not be reported and passed for third reading because it is a fundamental attack on collective bargaining, and in those cases where collective bargaining had been forgone, and this was the evidence that came before us in committee stage, it is a fundamental attack on arbitration.

I just want to read into the record a portion of a letter sent by Rory F. Egan, chairman of the Ontario Police Arbitration Commission. It says:

"The Ontario Police Arbitration Commission is responsible under the Police Act for the selection of a panel of arbitrators to deal with interest disputes. That being the case, we feel duty bound to express our apprehension concerning the continued availability and effectiveness of our arbitrators if the proposed legislation is passed.

"The Ontario Police Arbitration Commission has been able to build a panel of independent arbitrators over the years who have fulfilled the purposes of the act. Our concern is that these expert and independent arbitrators may cease to be available, since the proposed legislation will impinge upon their independence and experience and render their decisions neither final nor binding. They will see the quid pro quo which they have been appointed to provide virtually taken out of their hands, while the right to strike nevertheless continues to be unavailable.

"In sum, we are fearful that the arbitrators selected by the commission will lose their effectiveness in being perceived as emanations of the review board rather than independent neutrals."

This matter was raised with the minister. No answer has been forthcoming. Nothing the Treasurer has said has allayed the fears that I think the Ontario Police Arbitration Commission rightly expressed.

The sweeping powers this bill gives the government to include other groups is dictatorial and authoritarian. No piece of legislation should ever be passed in a democracy that gives the cabinet the right to apply this bill to any other group of workers. I point out that the Treasurer refused to accept an amendment to clause 11(1)(b), which reads:

"11(1) The Lieutenant Governor in Council may make regulations . . . (b) adding to or deleting from the schedule any person or any class of persons or any agency, authority, board, commission, corporation or organization of any kind."

I am happy to give the Treasurer the authority to delete any group that is included; but to give him carte blanche—and I point out that the wording of this clause is very serious—to add to the schedule any person or any class of persons or any agency, authority, board, commission, corporation or organization of any kind gives to a cabinet the kind of sweeping power that simply should not be given in a responsible and democratic government.

We have fought long and hard for responsible, accountable and democratic government and this, it seems to me, simply negates it. I suggest that, if for no other reason, the bill should not go forward for third reading because, although the Treasurer or the cabinet may not exercise the power, the power is there to include any employee of any kind of corporation; not just a public corporation, any corporation. It says, "agency, authority, board, commission, corporation or organization of any kind," and I suggest this is a very serious flaw.

Finally, this is legislation that is arbitrary, this is legislation that is discriminatory, this is legislation that is sneaky. It is the antithesis of fairness and decency. It destroys not just private corporations but any corporation. It says board, commission, authority, agency, corporation or organization of any kind. I suggest that is a very serious flaw.

Finally, and I just want to conclude, this legislation is arbitrary. This legislation is discriminatory. This legislation is sneaky. It is the antithesis of fairness and decency; it destroys trust and confidence. It is the kind of legislation proposed by a government with the weakness of a bully, a government which no longer has the ability to be intelligent, no longer has the ability to negotiate, no longer has the ability to be decent, fair, honest and straightforward.

For that reason, we will vote and divide the House on Bill 111. We will oppose any legisla-

tion of this type, wherever and whenever we find it, and we will do so as long as we have voice to speak and strength to fight injustice in this province.

**Hon. Mr. Grossman:** Mr. Speaker, I listened with interest to the remarks of the member for Port Arthur. He has suggested that this bill should not be called for third reading because there are unanswered questions.

Mr. Speaker, I have to offer this to you and the members of the House; we sat through a fairly lengthy discussion in this House on second reading and during clause by clause, during which time a great number of good questions were put and I think they were answered. They may not have been answered to the satisfaction of the member for Port Arthur and I understand that and respect it; however, I want members of this House to know, before calling this bill for third reading, that those questions were answered.

I understand how the member for Port Arthur feels about this legislation. Indeed, the New Democratic Party had determined before the legislation was introduced, before they had read it, that it must violate the court decision brought down. They had decided before it was introduced that it would interfere with collective bargaining. They had decided before it was introduced that it must be opposed.

I know in all honesty members were surprised to see that when the bill was introduced on November 8 it in fact restored collective bargaining. The member for Port Arthur asked, "What happens if the arbitrator awards more than five per cent?" The answer, which has already been offered many times to the member for Port Arthur, is clear; the amount is paid.

The government has no recourse in the event there is an arbitration award of more than five per cent. There could be no more eloquent description in confirmation of the fact that collective bargaining has been restored and the arbitration procedure restored than that simple analysis. If it is more than five per cent, it is paid; if it is less than five per cent, it is paid.

I would suggest it is quite obvious there is a fundamental difference in this House between those who believe the economy is still in such a circumstance that some form of continuation of restraint is necessary and appropriate and those who do not. We respect the difference on this side, but we do not agree with it.

I have listened to the member outline his party's position and it is quite clear his party does not believe the restraint program was necessary last year and does not believe a

continuation of restraint in any form is required this year. I can only say that when we assess the state of the economy this year, we in all fairness do not know to what extent this government's public sector wage restraint program contributed to the recovery we have.

**10:10 p.m.**

I do have to say that we have 196,000 more people at work in the economy this year. We have a gross scenario in our economy. We have inflation down to 4.9 per cent. I have to say for those who suggest that all this would have happened with certainty, if it were not for the courage of this government, and may I say the current Minister of Industry and Trade (Mr. F. S. Miller) and the great effort he put into this bill in getting it through this House, we would not have those figures with us today. We would have a much bleaker scenario.

Some would take the easy route of not having legislation. Some would gamble with our economy. Some would want to say: "Just let it happen out there. Worry not if we get another round of inflation." Some would say, "Sure the private sector, in fact, is running an unemployment rate of 18 per cent to 20 per cent, while the public sector is running effectively no unemployment rate." Some would say that is equitable, the burden should not be shared by everyone in society.

We on this side of the House say it is equitable that everyone share to some extent. We on this side of the House believe that in order to meet our social obligations during this very difficult period it is important we run our affairs responsibly and with restraint. We on this side of the House have met a lot of people who are unemployed. We have met a lot of people—

**Mr. Laughren:** You are doing a lot for them.

**Hon. Mr. Grossman:** It happens to be true. A lot of those people voted for us before and will vote for us again. They will vote for us again because they see the wisdom of the policies we have followed.

**Mr. Rae:** That remains to be seen.

**Hon. Mr. Grossman:** The leader of the New Democratic Party says, "That remains to be seen." I will be happy to greet him here 48 hours hence and we can see what the people in one riding of Ontario think and we will compare—

**Mr. Rae:** That is not exactly a cross-section, Larry. Even you will agree it is not exactly a cross-section. I am conceding nothing.

**Hon. Mr. Grossman:** I see. The member has



his excuses ready and the election has not been held.

**Mr. Laughren:** You are a real class statesman, Larry.

Interjections.

**Hon. Mr. Grossman:** The third row this evening has as much going for it as the first row.

**Mr. Wildman:** What does the minister mean by that crack?

**Hon. Mr. Grossman:** I withdraw that, Mr. Speaker. I insulted the member for Algoma.

May I simply say that I listened to the remarks and I understand that the member for Port Arthur (Mr. Foulds) was obliged to say some of those things. He suggested—I wrote down some of the words—that we no longer had—

**Mr. Laughren:** Cheap shot, Larry. Take the low road and stay on it.

**Hon. Mr. Grossman:** I am going to read the member's colleague's words and he can decide whether they are low road or high road. I invite him to listen to them.

He said this government was no longer able to legislate intelligently. He also went so far as to say we could not legislate or act decently, fairly or honestly. This bill is not nearly as controversial, as overpowering or as restrictive as the bill the members were anticipating. We know that. This bill restores free collective bargaining because we believe in free collective bargaining.

This party has stood up and talked honestly to the public of Ontario, saying we needed a restraint program. We were prepared to sit last year when the then Treasurer (Mr. F. S. Miller) took a difficult bill through this House. It took him 90 days to get the bill through this House in difficult circumstances. To say we do not act honestly or decently is a lot, not a little, hypocritical.

A lot of people in the public sector expected and suggested the government ought to have introduced yet another very restrictive bill this year. This government has had the courage to trust people, to listen to people who had told us, "Yes, we will bargain responsibly and fairly," and "Yes, we understand restraint." This government had the courage to come out and stand up and be counted for collective bargaining, for the rights of people to rectify the wrongs that have been created, for them to right their own circumstances, for the right of people to determine their own salaries vis-à-vis one another. That is courage and that is talking in a straightforward way.

I want to conclude by telling the member for

Port Arthur what is not acting in a straightforward way. I will not use those other words because I would not accuse him of not being decent, fair or honest. I will tell him what is not straightforward. It is to suggest that if only we pay the public sector 10, 12, 14 per cent that will create lots of jobs for the poor, that the people who are unemployed throughout the private sector will be really thankful if we pay that to the public sector.

**Mr. Rae:** You pay 10 per cent to the doctors. They are the only people you are prepared to pay 10 per cent. You are prepared to pay 12 per cent to the doctors.

**The Deputy Speaker:** Order. The Treasurer will conclude his remarks.

**Mr. Rae:** They are not going to vote for you, Larry.

**The Deputy Speaker:** Order. Does the Treasurer have any final remarks? We have provided latitude in the matter of minutes all evening to all of the debaters. If the Treasurer could just conclude his remarks we do have an agreement to honour.

**Hon. Mr. Grossman:** In conclusion, Mr. Speaker, might I say this bill, as last year's bill, will go a long way towards making sure that in 1984, as in 1983, this government and the economy in this province once again lead the way across Canada in restraint, in fighting inflation, in getting new growth—

**Mr. Laughren:** That is garbage and you know it. You came from Bay Street, did you not, Larry?

**Mr. Cassidy:** You want to get to Bay Street.

**The Deputy Speaker:** Order.

**Hon. Mr. Grossman:** —new factories and, most of all, new employment.

10:37 p.m.

The House divided on Hon. Mr. Grossman's motion for third reading of Bill 111, which was agreed to on the following vote:

#### Ayes

Andrewes, Ashe, Baetz, Barlow, Bennett, Bernier, Birch, Bradley, Brandt, Breithaupt, Conway, Cousins, Cunningham, Cureatz, Dean, Drea, Eaton, Edighoffer, Elston, Epp, Eves, Fish, Gordon, Gregory, Grossman, Haggerty, Harris, Havrot, Henderson, Hennessy, Hodgson, Johnson, J. M., Jones;

Kells, Kennedy, Kerr, Kerrio, Kolyn, Lane, Leluk, MacQuarrie, McCague, McLean, McMurtry, McNeil, Miller, F. S., Miller, G. I.,



Mitchell, Newman, O'Neil, Piché, Pollock, Pope, Ramsay, Riddell, Robinson, Rotenberg, Roy, Runciman, Ruprecht, Ruston;

Scrivener, Sheppard, Shymko, Snow, Spensieri, Stephenson, B. M., Sterling, Stevenson, K. R., Sweeney, Taylor, G. W., Taylor, J. A., Timbrell, Treleaven, Van Horne, Walker, Watson, Welch, Wells, Williams, Wiseman, Wrye, Yakabuski.

#### Nays

Allen, Breagh, Bryden, Cassidy, Charlton, Cooke, Di Santo, Foulds, Grande, Johnston, R. F., Laughren, Lupusella, Mackenzie, Martel, McClellan, Philip, Rae, Renwick, Samis, Stokes, Swart, Wildman.

Ayes 83; nays 22.

#### BUSINESS OF THE HOUSE

**Hon. Mr. Wells:** Mr. Speaker, just before adjournment perhaps I could indicate the business for tomorrow. As previously ordered, the House will meet at 10 a.m. We will first consider Bill 148, the Teachers' Superannuation Act,

followed by Bill 142, the Barrie-Vespra Annexation Act. Then the House will be in committee of supply to do supplementary estimates for the Office of the Assembly, the Ministry of Citizenship and Culture and the Ministry of Community and Social Services. Then will follow concurrence in supply for Community and Social Services, committee of supply for the supplementary estimates of the Provincial Secretariat for Social Development and concurrence for the Provincial Secretariat for Social Development.

The regular proceedings are at 2 p.m., followed by consideration of the confidence motion on the order paper in the name of the member for York South (Mr. Rae). I should remind the House that the vote on that occurs just before six o'clock with a five-minute bell.

**Mr. Kerrio:** You can have my vote now.

**Mr. Speaker:** Order.

The House adjourned at 10:43 p.m.

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# **Hansard**

## **Official Report of Debates**

### Legislative Assembly of Ontario

**Third Session, 32nd Parliament**  
Wednesday, December 14, 1983  
Morning Sitting

Speaker: Honourable John M. Turner  
Clerk: Roderick Lewis, QC

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# LEGISLATIVE ASSEMBLY OF ONTARIO

Wednesday, December 14, 1983

The House met at 10 a.m.

Prayers.

## LEAKING OF REPORTS

**Mr. Wrye:** Mr. Speaker, on a point of privilege: I think members of the Legislature will be aware, if they read the *Globe and Mail* this morning, that for the second time this week we have the problem of a major report of a standing committee of this assembly having been leaked to the press before it has been made available to members of the assembly and tabled in this place. On this occasion, the report of the standing committee on resources development on workers' compensation reform in Ontario has apparently been leaked to a reporter at the *Globe and Mail*.

As the Liberal critic on the committee I cannot vouch entirely for the authenticity of the report, as I have thus far seen only the dissent from our side and am not exactly sure whether the majority report and the New Democratic Party dissent actually run to the length that is reported by Rosemary Speirs.

I know this matter was raised by the member for Oshawa (Mr. Breaugh) on Monday and by my colleague the Liberal House leader in asking you to take a look at this matter, Mr. Speaker. Today's problem is a little worse in that, unless I am mistaken, members who may be called by injured workers will not have the report today. I may be corrected, but I do not believe that report can in any way be ready for today. The tabling had been planned for tomorrow at the earliest and likely for Friday.

I am not sure what we should do about that, but I hope we might be able to get a copy tabled so that all members of the press and all members of this assembly can see this material so that they might be able to discuss the matter with their constituents in an informed manner.

**Hon. Mr. Eaton:** Mr. Speaker, I would like to comment on that. The chairman of the committee was in my office this morning and he was a bit disturbed that the report is in the paper. All copies were supposed to have been collected from all members of the committee. Apparently one might not have been turned in. He indicated

the report went to the printer, is being printed and he expects to table it tomorrow. As far as we are concerned, it was kept under wraps as much as possible.

**Mr. McClellan:** Mr. Speaker, just so there is no confusion one way or the other, I have had the opportunity to discuss this concern with my colleagues in the New Democratic Party who were on the committee and I can assure the House that, wherever the report came from, it did not come from our side.

**Mr. Nixon:** Oh, that goes without saying.

**Mr. McClellan:** I am not trying to be flippant about this. I accept it as a very serious concern that reports are presented to the public before they are available to members of the assembly. We disapprove of that practice as strongly as was expressed the other day.

We are at a serious disadvantage in regard to being able to interpret contents of reports to our own constituents when they start calling. I can assure everybody they will be calling my office within a few minutes. We have no interest in this kind of practice taking place and we hope the security arrangements can be looked at on a co-operative basis to make sure this kind of thing does not happen.

**Hon. Mr. Wells:** Mr. Speaker, I know nothing of the circumstances of this incident but, from long and sometimes bitter experience over the years on this, it should not always be assumed the reports have been leaked by someone on our side. There is a vigorous network at work to obtain these reports, sometimes by various means, and that also should not be overlooked.

## ORDERS OF THE DAY

### TEACHERS' SUPERANNUATION ACT

**Hon. Miss Stephenson:** Mr. Speaker, in introducing the bill for second reading, I should like to note that it is the product—

Interjections.

Hon. Miss Stephenson moved second reading of Bill 148, An Act to amend the Teachers' Superannuation Act.

**Hon. Miss Stephenson:** Mr. Speaker, I regret that my enthusiasm for completing this bill after



so many years has overrun my understanding of the rules of the House.

This is indeed the culmination of several years of careful and deliberate discussions which have taken place between representatives of government and the Ontario Teachers' Federation with reference on frequent occasions to the Teachers' Superannuation Commission.

It is noteworthy this morning that the retiring guiding light for 31 years of the Teachers' Superannuation Commission is in the gallery. Mr. Causley is right there. This is his final day at the commission and he is leaving for parts west this evening. He said it depends on whether we get the bill through or not. If I can ask for the co-operation of my colleagues, we will ensure that Mr. Causley will spend Christmas in Winnipeg as he has planned.

**Mr. Conway:** Is there any conflict of interest potential in this debate?

**Hon. Miss Stephenson:** That is a matter of concern to some members of this House. I believe I would be derelict in my duty if I did not mention there are certain members of this House who feel strongly that those who might have a potential direct conflict of interest as a result of a pecuniary interest in this piece of legislation might restrain themselves from participation in the debate on the bill—

**Mr. Nixon:** Just receive the largesse with a quiet sigh.

**Hon. Miss Stephenson:** —and say nothing about it.

**10:10 a.m.**

At any rate, it is my purpose very briefly to introduce to members the specific issues that are contained in this totally rewritten Teachers' Superannuation Act, which is, of course, one of the reasons it has taken a fair length of time in gestation.

There are 29 issues, I think, apparent to all of those who have read the bill, and the printed bill is available, and I will simply go through them on the basis not of their order of importance but of their chronological order in the bill.

The matter of the occasional teacher is one that has been addressed very clearly in this bill for the benefit particularly of retired teachers.

The composition and the operation of the Teachers' Superannuation Commission is a major change within the bill because it modifies the numbers of representatives and ensures there is a rotation of chairmanship. There is the liability of the commissioners, which must be clarified

for the benefit of those who serve as commissioners.

There is a phase-out of the college education reference in the bill. There are notes regarding a modification related to the interest on government contributions, which is a matter of changing the interest rate that the government pays on its matching contribution to the teachers' superannuation fund. The Canada pension plan offset is going to correspond, as a result of this bill, to the Canada pension plan entitlement. There is a reduction in penalties for the B and C pensions within the bill.

There is an amendment regarding dependants' allowance to continue after the remarriage of one who is entitled to benefits. The direction of a dependants' allowance is now clarified, I think appropriately, within the bill. There is reference in keeping with the amendments to the family law legislation in this province to recognize common-law unions for beneficiaries. There is the introduction of an option for an increased dependants' allowance for decreased pensions. There are amendments because of the proposal for this increased allowance for decreased pension.

Employees' contributions for those who are receiving long-term disability benefits are a major amendment within the bill as well. There is an amendment related to the employee contributions for those who are receiving long-term disability benefits under the Public Service Act as a specific and necessary amendment.

Reinstatement of former contributors is finally relatively clearly addressed as a result of amendments. The superannuation participation by Ontario teachers while working in educational projects outside Canada is an important amendment in these years of mobility of teachers into other jurisdictions. The subject of marriage after retirement, which has always been a bit thorny I gather, is now clarified within the bill.

**Mr. Nixon:** In more ways than one.

**Hon. Miss Stephenson:** Are you speaking from experience?

The matter of entitlement at age 65 for an individual who has fewer than 10 years' service has been improved significantly. Of course, there is the important amendment in the calculation of the benefits achieved by teachers in this province to base them on the best five years of their service rather than the best seven, which is certainly the most expensive and probably the most desired of all of the amendments within this act.

The criteria for crediting foreign service have

been clarified within the amendments to the bill and there is the earned interest rates on death benefits amendment, which is a significant one for survivors.

The timing of teacher contributions and the payment to the commission is clearly stated within the bill now and ensures that the appropriate transfer of funding will take place. The removal of payment time limits is a significant one because the stipulation that the removal will not generate a cost factor is important in the amendments to the bill.

The escalation of contributions related to the long-term disability income is an amendment that has been of significance to the participants in all of the discussions. The administration of short-term investments is a matter which was of concern to both the Ontario Teachers' Federation and to Treasury people who were involved in the discussions.

There are specific bridging supplements which are clarified within the bill supplementing retiring allowance plans. Proposals which were introduced by the Teachers' Superannuation Commission are those related to administrative changes which the commission deems to be essential to bring the act up to date in order to effect efficient streamlining of various administrative procedures which obviously are necessary in a plan which is as large and as onerous a duty as this one.

There is the issue related to the calculation of benefit on the basis of related business and industrial experience which provides for a more appropriate basis for that calculation. There is, finally, the specific issue related to position sharing within the school system as a means of attempting to solve some of the problems attendant upon declining enrolment and relatively static teaching opportunities for those young people emerging from faculties of education.

I have very briefly outlined the specific issues addressed and the modifications included in this new act because it is in fact a completely rewritten act. Those 29 modifications or issues are dealt with in several amendments within the act and I will not detail them at this point.

I would like members to know that for purposes of further clarification of description of securities—and I am trying to find the section right at the moment—in subsection 72 of the bill, I do have one amendment. It is a wording amendment which is deemed to be necessary by legislative counsel. I really would like to pay tribute here and now to legislative counsel who has been involved in the rewriting of this act. I

am not sure whether it is appropriate to name him, but I shall.

Mr. Tucker has done yeoman service over many months in the rewriting of this bill and I think is to be congratulated by all of those who have concern about this piece of legislation. I say that, of course, without in any way denigrating the great efforts of members of my staff who have been involved on a daily basis for a rather long period of gestation in the redrafting of the Teachers' Superannuation Act.

I think this is an important piece of legislation which brings the superannuation fund and its administration into line with the developments of pension planning within this province and this country. It sustains the philosophy of pension, the addressing of pension matters which is prevalent currently in Ontario and which I think is appropriate. I would hope all members of the House would support it with vigour so that we would be able to pass it with alacrity.

**Mr. Bradley:** And alacrity it is we will have this morning, Mr. Speaker, to ease the mind of the minister about people with conflicts of interest in legislation of this kind. I always quiver a little bit when we pass legislation referred to as LARAP, Legislative Assembly retirement allowances plan, which refers to our own pensions as members of this Legislature and when we pass other matters which provide us with new enrichments in terms of our salaries. I suppose there is no more conflict in this piece of legislation than that.

**10:20 a.m.**

Besides that, morbid as it may sound, those who are familiar with the Queen Elizabeth Way know that my travelling back and forth between St. Catharines and Toronto would certainly militate against my ever collecting either pension from this assembly or from my many years in the teaching profession.

However, I welcome the bill on behalf of those who are involved in the teaching profession and, let us face it, these are essentially the people who have been most interested in the amendments to this bill, in addition to people from boards of education across the province who recognize a certain disturbing trend taking place within their own systems as it relates to the number of teachers who are involved at the younger age levels.

I have to start out as an opposition critic, of course, by being critical of the Minister of Education. However, before I do that, I should commend her on the bill which ultimately has



come forward. As she points out, that bill has been the culmination of negotiations between representatives of the Ontario Teachers' Federation and the ministries of Education and Treasury which have been involved in these developments.

My disappointment is that this legislation was not introduced at an earlier point. Members of the House will recall that I have spoken about it on a number of occasions in this House, both in the fall session during the consideration of the spending estimates of the Ministry of Education and during the spring session when the amendments were forthcoming to the Teachers' Superannuation Act.

It was not as though the world were going to end for teachers in Ontario if these amendments were not forthcoming. Many recognize that this particular act was out of line with other acts affecting pension plans in this province. Secondly, boards of education recognize, as I think all of us recognize now, particularly those of us in the teaching profession, that the average age of teachers in the classroom these days has gone up significantly.

The influx of young people into the system to provide the necessary balance between senior teachers and younger teachers has not been struck the way we feel it should be. The balance has probably been weighted more in favour of senior teachers. This is not to suggest in any way, and I think everyone here recognizes this, that those who are in their senior years of teaching are incapable of carrying out their responsibilities. Some of the best teachers in the system are those who are senior teachers and who will continue to teach up until the required time of retirement.

If I were not to say this I would be reminded very well of one occasion when I was making this particular point. At an interval for coffee, one senior teacher did remind me that senior teachers do have enthusiasm left in them and some new and good ideas. Subsequent to the interval, I was more than happy to make that point and accept the reprimand.

However, we recognize there is a need for some new young teachers in the system. One effect of this bill passed in the Legislature this morning will be that there will be a number of senior teachers who want to move on to other things, into retirement, who will now see the provisions of this bill in such a light as to encourage them to do so.

Indeed, during the preliminary discussions on this bill I received a number of telephone calls

from teachers around the province, particularly from my own constituency, who are experiencing the problem that results from declining enrolment. For instance, Latin teachers or teachers of other subjects which are not as popular in terms of the number of students taking those subjects today are being shifted to other areas.

Because of declining enrolment, many teachers in their senior years who perhaps have taught English or science for a large number of years were really forced to shift into other subject areas if they wished to retain their positions within a school with the board of education. It is a very difficult experience when a person is in his late 50s or early 60s and is simply not prepared or willing to do so.

This legislation will ease the minds of some of those people and will certainly encourage them to take a step they have wanted to take, that is, the step to retirement. Unfortunately, we have missed out on an opportunity for at least the past year to have some of those people moved to the area where they wanted to move, because while they had the promise of the Premier (Mr. Davis) and the Minister of Education that eligibility would be retroactive to June 1982, nevertheless they wanted to see it enacted in legislation before they were prepared to take that very significant step in their lives.

As a result, over the past year we have had some people retain their positions who otherwise would have been willing and certainly happy to move on to a situation that involves retirement from the teaching profession. Be that as it may, as the lawyers would say, we now have the legislation before us and that encouragement is there. I think the minister recognizes as well as anyone in this province that there will be a significant impact on the ranks of the teaching profession.

There were a couple of areas of concern to people. Naturally, I suppose there are a number of people in the profession who have been happy to see the minister adjust the magic number from 90 to 85 or 88 or 87. The member for Sudbury East (Mr. Martel), when I mentioned one specific provision, used the figure 85. He and I mutually exchanged the figure 85 as the combination of years of service and age that would allow teachers to retire.

The minister in estimates, in response to my suggestions or questions in this area, indicated there was a significant and substantial cost and that Treasury would not be prepared to entertain that, and we do not have it. But we do have



three quarters of a loaf and certainly a loaf that has been negotiated.

One of the reasons we will not be going to committee, except for the one minor amendment the minister wishes to bring in, is that this has been negotiated. I think it is important to know why a detailed bill of this kind would not go through the House and have clause-by-clause study. We have read the bill; the member for Hamilton West (Mr. Allen) and I have memorized it completely and gone over the compendium thoroughly. The minister understands it thoroughly; the Ontario Teachers' Federation knows every detail of it.

The people who are directly affected are aware of its provisions and are generally pleased that the compromise that has been reached between officials of the Ontario government and the Ontario Teachers' Federation is one everyone can live with. For this reason, we will not go into the kind of minute detail on this bill we might otherwise wish to go through.

There were some people who expressed rather significant concerns about their own situation which involved technical teaching. These are people who may have been involved in the education profession for not a large number of years in that they came from industry. In fact, one of the prerequisites of many of these jobs in secondary schools, perhaps even in elementary, is becoming what is called a shop teacher, for want of a better word. I call them technical teachers. These people had to serve outside the teaching profession for a number of years previously and now find themselves with a pension that is not quite as attractive as otherwise might be expected.

I want to read into a record a brief letter from an individual in such a situation. It is from a principal of a secondary school in the city of Hamilton. He writes as follows: "As principal of a vocational secondary school, I wish to express my concern about the situation in which many technical teachers find themselves as they approach retirement age and the current policies of superannuation. Schools such as the vocational secondary schools have a concentration of technical teachers, most of whom have several years of practical experience in the trades and industry prior to their entrance into the teaching profession.

"Trade experience has also been a prerequisite to qualify many for their teaching certificates. Their practical background is an important aspect of the teaching expertise that they bring with them to teach vocationally oriented

students. Many of these students move into the work force directly from school and benefit greatly from the technical teachers' industrial and practical background. Therefore, the contributions of the technical teachers in service and dedication are every bit as vital and important as those of the academic teachers who, for the most part, have entered directly into the teaching profession at an earlier age.

**10:30 a.m.**

"The fact that most technical teachers enter into teaching at a later age is, in fact, a penalty when they reach retirement age. I would urge those concerned to adjust the superannuation policies to make them more equitable and less penalizing for technical teachers who find themselves in this situation. While I recognize that there are some provisions for that within the act, reducing the penalty that would be forthcoming for people in those circumstances, I am not convinced it is going to be entirely what they want, but it is a step in the right direction in addressing that problem at least. Hopefully, it will provide a degree of satisfaction to those people."

I could read into the record a number of other letters, but we have indicated to the House leaders, to the minister and others who are involved in this debate, that it was not going to be a lengthy debate today because these matters have been discussed very extensively on a preliminary basis. I am going to live up to that commitment and only share with the minister a couple more points of interest.

One is the teachers who retired some years ago and feel the amount of money they receive in retirement allowances is not easy to live on. I suppose one has to set a date somewhere and eligibility was, as promised, June 1982. I do bring to the attention of the House the plight of many fairly elderly teachers who retired some time ago from the profession at a rate which is not very attractive in today's economic circumstances. That will always be with us. Any time we can assist those people in any way, we should be looking towards that. I am glad to see the occasional teacher problem is addressed in this legislation. The penalties have been reduced in certain areas.

It is with a good deal of satisfaction that I see this culminate in a bill presented to the Legislature this morning in the form of Bill 148. The minister has the assurance of the support of the members of the official opposition in this regard; we want to see the bill implemented as soon as possible. It will certainly benefit directly those

in the education profession by bringing their pension plan into line with many others in the public service in this country.

Secondly, it will benefit the boards of education and, ultimately, the younger teachers and the students who are served by the system. The minister will always appropriately remind us that education is all about the students who are served and, while the rest of us are important cogs in the machine, ultimately we must look at the service to the students.

I give three Christmas cheers to the passage of this bill which amounts to a wonderful Christmas present. It would have been nicer in the fall of 1982—

**Mr. Nixon:** It should be called the Bradley bill.

**Mr. Bradley:** I hope Hansard picked that up.

We are pleased the minister has brought it forward and has accepted the encouragement of the opposition. I did not say she was dragged kicking and screaming into this; I say she has accepted the encouragement of the opposition to bring forward an extremely progressive piece of legislation.

**Mr. Allen:** Mr. Speaker, I rise with mixed feelings of support and some dismay to add my support to the second reading of this very important piece of legislation.

Ever since the founder of this party, J. S. Woodsworth, in 1926 put the matter of pensions on the legislative agenda of this country, there has been no issue of greater seriousness, of greater moral compulsion or of greater compassion for this country. As the nation and the provinces that make it up have moved through the years and have amplified their pensions legislation in a variety of ways so that most of the senior members of our community might live with some degree of dignity and health through their senior years, this has been a preoccupation of those in our country who have treasured the quality of its civilization.

It is because of that seriousness and the important history attached to it that I want to give my wholehearted support to the bill before us. At the same time, on that very ground of the seriousness and importance of the question and the importance of the profession in particular to which this is addressed—and I think there is no more important or significant one for our social life—I do want to register some measure of protest. I received the compendium of this bill late last week. It was not until Monday evening that I received a copy of the act itself. In fact,

neither anyone in my office nor I myself could put a finger on this act until Monday evening, when I secured a copy of it, not through the House leader and not through the minister herself but through the office of the Liberal critic. I find that astonishing.

But even if I had received it late last week and had had to pore over three quarters of an inch of Xerox paper to look at technical provisions in a very important piece of legislation, I would feel that my role as a critic and as a legislative member of this assembly had been abused. I am not here to be a functionary of the front bench opposite. I am not here, either, I must tell the minister—and I am sure the teaching profession will understand this—to be a functionary of the very effective and important lobby that they present to this Legislature.

They perform their work well and they give us very helpful information. I understand that this bill went through a long period of negotiation and that, presumably, all the t's have been crossed, all the i's have been dotted and everything is in its place. But there could be a provision in there somewhere—I say this somewhat lightheartedly, but also with some seriousness—that says: "Notwithstanding all the foregoing clauses, no teacher of Ontario shall receive his pension."

**Hon. Miss Stephenson:** There isn't.

**Mr. Allen:** I just do not know that because I have not had the time to look at it carefully, let alone to go into all the other matters that might concern me, such as comparability or portability. For example, I wonder whether in one provision I heartily endorse, which allows for related business and industrial experience at last, there is not some way whereby those who were not members of a pension plan before coming into the profession, as they were acquiring important and required industrial and business experience, might be incorporated as well as those who were members of a plan.

There simply is a whole host of questions that one would want to ask about a piece of legislation like this to be satisfied as a responsible member of this Legislature that it will effectively do for teachers what it purports to do.

I have asked fellow members of this House whether this is always the way with this ministry because I recall a year ago when Bill 42 was tabled in this House, it came in right at the tail end of the pre-Christmas sittings. Then when we moved on to debate it, it was at the tail end of June.

I noticed the correspondence in connection



with this particular piece of legislation. I read how last June 22 the president of the Ontario Teachers' Federation announced to his fellow members that there were only two outstanding issues that still remained and that the Premier (Mr. Davis) indicated at that time that the legislation was being drafted, it would be available early in the session and one could look forward to some leisurely perusal of a very important piece of legislation that would be the foundation stone of pensions for teachers in this province, presumably, for the next 15 or 20 years.

Here I am in the midst of a rush of legislation, a torrent of legislation. Anyone who looked at yesterday's order paper would almost have to lie down and laugh at the preposterousness of this assembly attempting to deal in an intelligent way with that roster of legislation and then fitting in some major legislation like this or the bill pertaining to the Attorney General (Mr. McMurtry) the other day and thinking that any of us really had time to think about them and weigh them carefully.

**10:40 a.m.**

Because of the seriousness of this bill, the importance of the subject it addresses and the importance of the profession for which it provides, I register a very serious protest against the manner in which it has come before us, the time in which it has come before us and the speed with which we are being asked to expedite it. I am happy to engage in that expedition but I certainly do it with a sense of dismay that I am being abused and that parliamentary democracy is being subverted in the process.

I do not want to attempt to comment upon each of the scheduled items to which the minister briefly introduced us. It is obvious this bill makes changes in contribution rates by which both the government and the teachers will increase their contributions to the fund. It makes important provisions, for example, for the calculation of pensions on the five best rather than the seven best years of a teacher's service.

It entitles surviving spouses who remarry. It allows for some greater degree of flexibility in spousal relationships in terms of allowances provided. It provides more generous refund arrangements, for example. It modifies present termination provisions when a teacher becomes re-employed.

The structure which administers the plan now provides for straight equality between teachers and government members and the chairman-

ship will thereby alternate from one to the other year by year. The members of that commission in the future will not be open to liability under this plan as they have been in the past. All those and many others are extremely important provisions in this plan. I endorse them heartily.

Martin Luther once said that a teacher ought not be required to stay in the profession more than 10 years. Having taught, I know exactly what he meant. The member for St. Catharines (Mr. Bradley) will understand that, too. This is a very demanding profession; perhaps the small amount of early retirement allowed by this bill does not go far enough in making it possible for our teachers to move in and out of the profession in various ways to live their own experience, for example, to bring enrichment to the classroom.

We talk these days of the variety of careers that each of us or our children will have in the future. I do not think I can look forward to many more, having gone through about three already. None the less, my children will look forward to having that opportunity of variety, experience and will need the kind of training and background that will make it possible.

One cannot do enough to provide adequate and flexible support for the teaching profession. We would want to have the richest possible resources available and not to have to maintain a professional activity beyond the point at which it ceases to be creative for themselves, for the children and the community. To make those remarks is not to say anything invidious about teachers who persist through a long lifetime in the classroom. They, above all, are to be admired for their capacity and their ability to maintain a creative role in that setting over those years.

I would hope that as we look upon teachers' compensation, pension arrangements and so on in the future, we would move to still more flexible arrangements of support for a teaching profession which needs all the creative resources we can provide, all the support necessary for educating our young people in the great traditions we have as a people and in the skills necessary for their satisfying performance of lifelong living and learning in a community which I would hope would treasure that kind of contribution. This plan is a measure of the degree to which that is already the case. We can go on and improve it.

With that, I conclude my remarks and reiterate my support for this piece of legislation.



**Hon. Miss Stephenson:** Mr. Speaker, I regret that the member had some problem with the photocopy of the act. The printed act was not available until 10 o'clock this morning. In fact, the final deliberations regarding the two items that were still not settled in August were completed within the last month. A very long and arduous discussion has gone on.

I would like the member to know that on Thursday of last week legislative counsel distributed 30 photocopies of the act to the Legislature. One of them was very specifically delivered to the Education critic of the NDP party.

**Mr. Conway:** Let me correct the minister. "NDP party" is redundant, like irregardless.

**Hon. Miss Stephenson:** I am sorry, the New Democratic Party. I thank the member.

The suggestion of the member for Hamilton West that there be some participation permitted for those who were employed previously to their experience as teachers but who were not members of a pension plan is a delightfully utopian view that is not shared at present by Revenue Canada. Revenue Canada will not allow that sort of participation at present.

**Mr. Allen:** One man's Utopia is another man's hell.

**Hon. Miss Stephenson:** I gather the modification would have to be effected at the federal level in order to permit that to happen.

I have no further comments to make. I am grateful to my colleagues for their strong support of this bill. I suggest my motion for second reading of the bill now be considered.

Motion agreed to.

House in committee of the whole.

#### TEACHERS' SUPERANNUATION ACT

Consideration of Bill 148, An Act to revise the Teachers' Superannuation Act.

**Hon. Miss Stephenson:** Mr. Chairman, my amendment is to subsection 72(3) of the bill.

**Mr. Breaugh:** Mr. Chairman, I want to take the occasion somewhere in the course of this bill to raise a point of order. Standing order 22 is the only provision I can find under which a member may declare a conflict. I realize it might have been more appropriate in some other part of the discussion.

I searched through the standing orders and had the Office of the Clerk go through the Legislative Assembly Act, looking for a place where a member may declare a conflict of interest. Oddly enough, I find in this Legislature

those words are not used. The words used, as I recall them, are "a direct pecuniary interest," which may or may not apply in this instance.

I want to put on the record that there are many of us in the assembly who have paid into the superannuation fund and will at some time benefit from these changes. There is an air of awkwardness about attempting to declare this conflict, but in principle I want to find the occasion where it can at least be raised.

As in Alberta and Quebec, I suspect what more properly should be done is that the matter of declaring conflicts should be referred to the procedural affairs committee to provide a more readily available vehicle through which members can declare a conflict. However, I could find it only under standing order 22.

10:50 a.m.

I want to put on the record now that I, for one, do have a conflict that I consider to be worthy of note. In particular, since in the last session we went through an exercise which established what I think is a good thing, that is a Municipal Conflict of Interest Act which laid out the grounds under which a member of a municipal council declares a conflict, I think that is a worthwhile exercise.

I would draw to the chairman's attention that this ought to be done for this assembly and in the only way I could find that it is possible, under standing order 22, I want to declare that I do have a conflict of interest and I do not intend to vote on either the amendment which is before the House or any other part of the bill.

**The Deputy Chairman:** Under standing order 22 of the Legislative Assembly you are very clearly within your own rights. It says, "No member is entitled to vote upon any question in which he has a direct pecuniary interest, and the vote of any member who has such an interest shall be disallowed." You are really absenting yourself from the vote and from discussion on the matter. I thank you. It is recorded, as has been done previously.

**Mr. Nixon:** I am very glad the matter has been raised because I am sure you are aware, Mr. Chairman, that almost every piece of legislation that comes through this House has a pecuniary impact on some of its members.

I happen to be a farmer, as are a few other members and we are very proud of that, just like the teachers are proud of their profession. When we are talking about subsidies for beef farmers and so on it may be to our detriment but we do not absent ourselves. I understood that

rule had a direct application when as an individual one is attempting to do business with the government or a government agency.

In that instance, there have been cases in the House where a special private bill has been brought forward to permit a member, for example, to sell some property to the Minister of Transportation and Communications (Mr. Snow) or the crown in the right of Ontario on that behalf.

If there is any ambivalence about this, perhaps it should be referred to the committee. I am very glad the Chairman quoted the rule. I am saying that if we get into an elaborate system whereby every time farm policy is discussed in this House then all the farmers have to refrain from discussion and voting and every time education is discussed, the teachers have to refrain, we are going to find ourselves in a really ridiculous impasse.

It is very good that people are aware of any potential conflict of interest, but it is more complex than perhaps one might think at first blush. If the problem continues to bother many members of this House, then perhaps the procedural affairs committee ought to review it.

I would simply say we have gone through more than a century of debates in this House without getting ourselves into too much terrible trouble.

**The Deputy Chairman:** I appreciate what the honourable member has said. I just wish to advise the House that it has already been referred to the procedural affairs committee and your points are well taken.

**Mr. Martel:** Mr. Chairman, I just want to add to what my friend says because there is hardly a piece of legislation about which someone would not have some sort of conflict. If one looks at legal matters, all of the lawyers who ultimately will leave this place and go back into private practice could be the beneficiaries of whatever might be passed. I see my friend from Oxford rubbing his hands together in anticipation.

**Mr. Conway:** What about opted-out doctors? Do they count?

**Mr. Martel:** Opted-out doctors might find that if they vote on something down the road; it could be anything, the amount of money that the government agrees to pay the medical profession, I say to the Minister of Education, I have I have not seen any doctors declare, and I have seen a number of doctors in this Legislature over the years who—

**Hon. Miss Stephenson:** Not enough. Not a sufficient number.

**Mr. Martel:** Not enough? Well—

**Mr. Conway:** That is not what you said about Stuart Smith when he was here.

**The Deputy Chairman:** Order.

**Hon. Miss Stephenson:** There are not enough.

**Mr. Martel:** Some of us have a direct, and in my case both a direct and an indirect, benefit out of this—

**Hon. Miss Stephenson:** Direct and tangential.

**Mr. Martel:** It is almost perverse. There is so much there that one would almost want to shy away from it, but I will not.

I think it is important that we have an understanding of where we are going, because I do not think any of us wants to appear to be advancing things that appear to be just for ourselves. That is ridiculous. That is not the purpose of this Legislature, but I think this matter must be reviewed so that we get a firm understanding of what the rights and responsibilities of members are, pertaining to legislation in all fields. It may affect lawyers or people in private business and insurance who are here. It transcends so many fields we will be in terrible trouble.

**The Deputy Chairman:** I think the point of order is well taken and I will ask the Office of the Speaker to refer the comments that have been presented here this morning to the procedural affairs committee. It has already been referred there and it is an important matter. Unless someone else has anything further to add to this subject, I think it has been well said and it is certainly on their agenda.

**Mr. Stokes:** Mr. Chairman, I think it is important that every once in a while we as members of this assembly take a step back and see what it is we are doing on a regular basis. It is very easy to say, "Somebody has to do it," and leave it to ourselves, not knowing what the implications are or what the public perceptions might be in any given instance.

When I discussed it with the table officers last evening, they indicated to me the Speaker had referred this question to the procedural affairs committee along with legislation covering similar situations in at least two other jurisdictions in Canada. I believe Alberta has it and another province has similar legislation. It might be useful to the procedural affairs committee if the members had copies of that when they are

making their deliberations and coming in with some kind of recommendation.

It will at least let the public out there know we are aware of the invidious position we sometimes find ourselves in here. I think that is even more important to let the public know, to let our constituents out there know we are concerned about situations such as these and we are trying to deal with them. It is important that we should have had this little debate here this morning.

**The Deputy Chairman:** I thank the honourable members and I accept the point of order. I would ask that the remarks of the member for Lake Nipigon (Mr. Stokes) also be forwarded.

Sections 1 to 71, inclusive, agreed to.

On section 72:

**Hon. Miss Stephenson:** Mr. Chairman, there is some concern about the way in which the current subsection 72(3) is written. The phrase "with a corresponding term" really should apply to all three types of securities, not just to those securities guaranteed by Ontario, which is the way it appears right at the moment.

**The Deputy Chairman:** Hon. Miss Stephenson moves that subsection 72(3) of the bill be struck out and the following substituted therefor:

(3) "A debenture issued under subsection 1 shall bear interest payable half yearly at a rate based on the Canadian secondary market when the debenture is issued for Ontario securities, securities guaranteed by Ontario and other similar securities or any of them with a term corresponding to the term of the debenture."

**Hon. Miss Stephenson:** This simply clarifies that the modifying clause applies to all three kinds of securities, not just one.

**Mr. Bradley:** Mr. Chairman, very briefly, that amendment meets with our approval.

**Mr. Allen:** Mr. Chairman, that amendment meets with our approval and we are happy to see it go forward.

Motion agreed to.

Section 72, as amended, agreed to.

Sections 73 to 80, inclusive, agreed to.

Bill, as amended, ordered to be reported.

#### 11 a.m.

On motion by Hon. Miss Stephenson, the committee of the whole House reported one bill with a certain amendment.

House in committee of supply:

#### SUPPLEMENTARY ESTIMATES, OFFICE OF THE ASSEMBLY

On vote 1001, Office of the Assembly program:

**Mr. Stokes:** Mr. Chairman, on a point of order: I realize I cannot speak on these again—at least I do not believe I can—as I have already spoken.

**The Deputy Chairman:** In supplementaries the honourable member can speak.

**Mr. Stokes:** They are supplementaries?

**The Deputy Chairman:** Yes.

**Mr. Stokes:** Not concurrence?

**The Deputy Chairman:** No.

**Mr. Nixon:** Who is responding on behalf of these?

**Mr. Stokes:** That is the point of order I want to raise if we are dealing with either concurrence or supplementary estimates of the Office of the Assembly. While the Speaker as the chief presiding officer is responsible for guiding the estimates through the committee, and that is done, when we are in the House in this particular setting there is nobody to speak to or whom one can engage in conversation with about the nature of the supplementary estimates and the purpose to which the money is dedicated.

Perhaps the government House leader could be of some assistance and enlighten us as to how much money is being requested. I have no knowledge of that. To what purpose is this additional sum being put?

**Hon. Mr. Wells:** Mr. Chairman, I can provide that, although I am not sure I should be the one necessarily to speak on behalf of the Board of Internal Economy. I am sure the other House leaders could equally speak in some of the instances about this, but I thought the member should have received the supplementary estimates sheets. Did not all the parties get them?

**Mr. O'Neil:** Maybe we could have the minister tell us what they cover.

**Hon. Mr. Wells:** The Office of the Assembly vote covers a total of \$4,108,900 less statutory appropriations of \$2,176,300. What it includes is indemnities and allowances for all support services provided to members by the various offices of the assembly and various expenses associated with the administration.

In other words, there was no change. The five per cent change for salaries, constituency office accounts and so forth had not been taken into account when the original estimates were presented. This represents the various changes that were to occur as of April 1. They now come



along as supplementaries to change the various things like support services, caucus support, administration, constituency offices and so forth, the various changes for this fiscal year 1983-84. The increases are represented here.

The big amounts that are represented are money for the Ontario Electoral Boundaries Commission, \$901,000, which is a statutory appropriation, and the contributions to the Legislative Assembly retirement allowances account which again is provided for as a statutory appropriation and has to be made upon the presentation, as my friend knows, of certain information to the board. That amounts to \$1,274,900.

**Mr. Stokes:** Are there no additional funds in here for the Office of the Speaker, the Office of the Clerk, the Legislative Library or any of those emanations of the Office of the Assembly? It is strictly to take care of the five per cent increase other than the amounts that are covered by statutory appropriations as opposed to estimates. Would that be a fair assumption?

**Hon. Mr. Wells:** There are some minor amounts in here. For the Office of the Speaker, there is an amount of \$15,000; for the Office of the Clerk, \$31,000; and for the chief election officer, \$1,000. Sessional requirements are \$801,700 and then the rest are pretty well all the other items I indicated. There is \$119,000 additional for the Legislative Library.

**Mr. Stokes:** The minister mentioned an amount of \$15,000 for the Office of the Speaker and an amount for the Office of the Clerk. Could he repeat those amounts?

**Hon. Mr. Wells:** Yes. There is \$15,100 for the Office of the Speaker and \$31,300 for the Office of the Clerk. As far as I can ascertain from the information here, these are all in the area of salary and employee benefit changes. I think there were some changes in the remuneration to various staff there and they are picked up in these estimates.

**Mr. Stokes:** There is just one final question. It came to my attention within the last week that the services of an individual had been engaged to write a book associated with the Office of the Clerk. Is the minister aware of that? Is there any way he could find out to what purpose that person's services are being put?

**Hon. Mr. Wells:** I cannot answer the member in complete detail, but it is my understanding that at least three or four months ago a person was employed on either a six-month or a one-year contract—I am not sure—as an assistant to

help the Clerk develop a book on precedents in the Ontario House. He was to be a sort of executive assistant to help put that information together. I cannot give the member any more information than that. I was told his name, but I cannot recall it at the moment. There is someone doing that, and it was on a contract.

**Mr. Stokes:** That is fine, but will it be made available for general circulation and to members so they can better familiarize themselves with the precedents?

**Hon. Mr. Wells:** Oh, yes.

**Mr. Stokes:** As the minister may or may not know, during the regular estimates I raised the point that I thought we should be more involved with the idea of this parliamentary institution and the kind of rapport we have with other Commonwealth countries, national legislatures and state or provincial legislatures, and I thought there should be a much freer sharing of information, particularly among the members of the Commonwealth family.

A member of this Legislature did travel to the conference of the Commonwealth Parliamentary Association in Nairobi, Kenya, I believe it was. I know the member for Perth (Mr. Edighoffer) will be making a report so that we will have a general idea of what went on and what was talked of there.

I think it is very important that we keep abreast of what is going on in other jurisdictions to see if we can improve the way we do things here. I think it is equally important to dedicate funds to compile precedents to make it a lot easier for presiding officers, table officers and members of this assembly to understand the rules better and perhaps make better use of our time around here.

It is an excellent idea that we should be dedicating a modest amount of money for that purpose, but it does not serve the purpose for which it is intended or the purpose to which it should be put if we do not share it with members so they can become more aware of the rules. Perhaps we can save a lot of time if we dispense with a lot of unnecessary or irrelevant points of order or points of privilege. I do not think it serves anybody well if we keep it locked up in a back room someplace.

I think we should make use of it and I think the members themselves would be much more enlightened as to the way in which this place should operate. It is important that we spend those kinds of funds, but then once we get the information, it should be shared. We could

make much better use of our time around here than we do at the present time.

11:10 a.m.

**Hon. Mr. Wells:** Mr. Chairman, I thank my friend the member for Lake Nipigon for his comments. He is absolutely right. I think we all would want to be sure these precedents are shared. My understanding is that it will be a volume that will be published and available to everyone. It is a rewrite of the Lewis book, *Parliamentary Procedure in Ontario*, a second edition. This will be a second volume to go with that on the precedents and procedures of this House.

**Mr. O'Neil:** Mr. Chairman, I take it we are speaking on the supplementary estimates of the Ministry of Citizenship and Culture.

**The Deputy Chairman:** No. We are on the Office of the Assembly.

**Mr. O'Neil:** Sorry about that. When are we starting on that, I want to get—

**The Deputy Chairman:** We are not into that.

**Ms. Bryden:** Mr. Chairman, I presume we are dealing with the whole vote 1001, Office of the Assembly, all the subvotes. I want to ask whether the minister has considered a Christmas present to the staff of the constituency offices in the form of equal employee benefits.

They do not get the same benefits as legislative assistants in the members' offices at Queen's Park. It seems to me it is long overdue that the benefits extended to the staff in the Queen's Park offices should be extended to the staff in the constituency offices. I would like to ask the minister if that is being considered or could be considered as supplementary estimates for this year.

**Hon. Mr. Wells:** My recollection is that was on the agenda of the last Board of Internal Economy meeting. It was discussed and was deferred to another meeting, so it is still actively under consideration by the board, but is not represented in these.

**Ms. Bryden:** I am glad to know it is still under consideration because I think the persons who serve in the constituency offices do a great deal of very responsible work. They work alone and sometimes they have to deal with members of the public who come in and are very agitated. They really have work that merits the same remuneration as that of the Legislative Assembly staff. I think all of us would recognize this

from our own experiences in our constituency offices.

Vote 1001 agreed to.

#### SUPPLEMENTARY ESTIMATES, MINISTRY OF CITIZENSHIP AND CULTURE

On vote 2906, ministry capital support program:

**Mr. O'Neil:** Mr. Chairman, there is specified an amount of \$3 million, I wonder if the minister could give us an overview as to where that \$3 million is going.

**Hon. Ms. Fish:** Mr. Chairman, I would be pleased to do that. There is a total of \$2 million to the Royal Ontario Museum. Of that amount, \$800,000 is to develop and mount a special exhibit that is currently entitled *Georgian Elegance in a New Land*. I am not sure that title is meaningful to people who hear it, so I should say it is tentatively titled; it is under review.

That exhibit is a display of materials, fabrics, tapestries, furnishings, artefacts and so forth that are principally in the collection of the Royal Ontario Museum but are being supplemented by the Queen's own collection in the United Kingdom as part of a special exhibit associated with her visit here in the bicentennial year.

There is also \$1.2 million to the Royal Ontario Museum for accelerated gallery development. This responds to several expressed concerns about the pace of development and opening of the galleries at the Royal Ontario Museum and is by way of incentive money for private fundraising, matching funds as well, to provide additional support to the Royal Ontario Museum from the private sector.

Finally, there is \$1 million in capital money going to Stratford, specifically for additions to the Festival and Avon theatres in Stratford in an effort to respond to concerns expressed last winter, with the approvals coming in the late spring and early summer, to provide for improvements they feel are extremely important as part of their developmental work at Stratford and for the continuing quality of the productions they are able to mount and the physical facilities they have in those theatres.

Those are the three items that account for the total of \$3 million.

**Mr. O'Neil:** Mr. Chairman, I was hoping the supplementary estimates would have been a little more far-ranging so we could have gone into some different issues on other capital grants programs, such as the building of



TVOntario towers, and look at some of these items. We will have to wait until we have another chance later.

**Mr. Allen:** Mr. Chairman, I have just a very brief comment. I appreciate the utility of the expenditures that are being contemplated and, in particular, the assistance that is being given to work on the Avon theatre stage at Stratford.

I would like to use the occasion to ask the minister to pursue a question which is of growing concern to myself and my colleague in this party who is the formal critic for the Ministry of Citizenship and Culture. It relates to the problem of expenditures, costs and income with relation to the special exhibits the Royal Ontario Museum has mounted in recent years and, in turn, to the problem of maintaining curatorial positions, curatorial assistants and backup services in the museum.

Earlier in the session I asked the minister for an account of the income and expenditure of the museum in mounting its very ambitious and interesting exhibits, which we have all noted as we have walked by, in, and through the museum and which we have all profited from.

It is of some concern that the income only measures somewhere in the order of half of the expenditure and, therefore, constitutes a substantial drain upon the resources of an institution which ought to be doing rather more than it is, and should have the capacity to do more than it is, to mount its own exhibits out of its own unique and extensive holdings. Yet some of the departments that are most renowned in that institution are cutting back on their curatorships and their curatorial assistants positions, making it increasingly difficult to mount those exhibits with the material that is at hand in the institution.

However exotic and attractive many of the exhibits have been in the special exhibitions, none the less, it does appear to me to be something the minister ought to be concerning herself about. The public is not having adequate access to displays of the genuine and rich holdings the museum itself has as a result of that problem.

There are other items I would like and, I am sure, my colleague the member for Oakwood (Mr. Grande) would want to bring to the minister's attention on another occasion. If she could pursue that particular issue, I would appreciate it.

11:20 a.m.

**Mr. J. A. Reed:** Mr. Chairman, I do not want

to let the moment pass without drawing to the minister's attention and putting on the record a subject I have discussed with her privately, namely, an article which appeared in the Toronto Star yesterday concerning an internal University of Toronto task force that was appointed to make recommendations about the future of the Royal Conservatory of Music in Toronto.

I should point out for the record that while the minister admittedly does not have a direct hook, as she would say herself, in how the royal conservatory decides its future or how the University of Toronto decides the future of the royal conservatory, nor does the Minister of Colleges and Universities (Miss Stephenson) in a direct way, I am going to appeal to the Minister of Citizenship and Culture (Ms. Fish) to go on record as being willing to use every means at her disposal to see to it that this institution is not only maintained but, we hope, enriched in the future.

The fact is that the Royal Conservatory of Music and the University of Toronto perform two very distinct functions regarding the performing arts. The University of Toronto is a degree-granting institution; the royal conservatory develops artists, performers. They are two very different things.

An armload of degrees does not make a performing artist. Therefore, the royal conservatory has historically been the standard in this country for musical performance and has been recognized around the world on a level with institutions like the Royal Academy of Music in London, the Juilliard School of music in New York and so on. It would be a tragedy if this great institution were allowed to be diluted in any way, shape or form.

I should go on record as saying that I think we all recognize that the performing arts in this country and in this great city make a very solid economic contribution. All we have to do is look at Roy Thomson Hall, the services that go along with the act of performing, the kind of employment it provides and the kind of financial health that those institutions generate.

The Royal Conservatory of Music represents a base upon which this quality performance is founded. I therefore appeal to the minister to do her part, as I will do mine, being an alumnus of the Royal Conservatory of Music, to see to it that every effort is made to preserve the vitality and integrity of this institution.

**Mr. Chairman:** Does the minister have a reply to that, or does she wish other members to speak?



**Hon. Ms. Fish:** Mr. Chairman, we had started on a pattern where I was replying to each, but you did recognize the honourable member before I was able to reply to my colleague across the way and I thought that perhaps under those circumstances I should list them and reply at the close.

**Mr. O'Neil:** Mr. Chairman, I have one important question which I think I should put at this point. When the minister is dealing again with the supplementary estimates, dealing with such places as Stratford, there is a committee that at present has been travelling around the province, the Macaulay committee. I think some of the things they are going to report will have some effect on what happens to such places as Stratford.

When the minister is replying to the previous questions, can she give us some idea of when the Macaulay committee will be submitting its report? Will it come to the members of the Legislature at the same time as it does to the cabinet, or will the cabinet be looking at it first and dealing with the recommendations? I would like to know just what the process is and where it now stands.

**Mr. Stokes:** Mr. Chairman, we are asked to vote an additional \$3 million for centennial projects and for capital works for other cultural pursuits. I know I am treading on very thin ground here because there is no money in the supplementary estimates for the citizenship wing of the Ministry of Citizenship and Culture. I did not get an opportunity to engage in the regular estimates because I was otherwise engaged, but if my memory serves me, they passed rather quickly in the concurrence debate of these estimates.

The minister and the Chairman will know of my interest and involvement in the wellbeing, cultural and otherwise, of the first citizens in Ontario. There is a very modest sum in these estimates for the native community branch. I have always lived in hopeful expectation for that branch of this ministry that has been floated around from ministry to ministry and pillar to post—I can recall at one time it was under a provincial secretary. It was not under the Provincial Secretary for Resources Development or Provincial Secretary for Social Development; it was before these superministries were ever thought of.

If we are going to pay the kind of attention needed, particularly now when we have Indian self-government being talked about at the federal level, when we are seeing our first citizens

being given status and sitting down at the table at first ministers' conferences, this is the one ministry that should be playing a lead role in coming to grips with what we as provincial members of this assembly see as our role in assisting first citizens.

The minister gets a variety of requests. She will have one on her desk shortly as a result of a letter I have written to her on behalf of the Whitesand Indian band which is trying to obtain reserve status next door to the hamlet of Armstrong. This is the kind of thing this ministry and this minister can get involved in. I hope the minister will give a much higher profile to the native community branch and what it can do to assist native people.

It has been generally thought that was primarily the responsibility of the federal government, particularly for status Indians, but it is becoming quite clear now that if the concept of Indian self-government is going to be a reality there are many things the province can do much better, with much better results for our taxpayers' dollars.

It does not matter whether it is at the federal or provincial level. Ultimately, the dollars to do those things we all wish to do collectively come out of our pockets. With amendments or perhaps a complete scrapping of the Indian Act in Canada, of necessity, by way either of transfer payments from the federal government or some administrative arrangements, this government, this ministry and this assembly are going to have to pay more attention to the social, economic and cultural needs of our first citizens.

**11:30 a.m.**

I know this is not the time to go on at any great length about it, but it is the first opportunity I have had to express in very general terms what I see for this ministry. I see a much greater opportunity to engage in that kind of thing than there ever has been since I have been here. I know the minister is very sensitive to those kinds of problems and needs. I do not think it is appropriate for the Provincial Secretary for Resources Development (Mr. Sterling) to be playing the lead role as he does now. It has not worked in the past. If there is going to be any meaningful dialogue with the federal government or with our first citizens and the organizations that presume to speak for them, I see a ray of hope in the appointment of the minister in this role.

I am not inviting a private meeting such as the member for Halton-Burlington (Mr. J. A. Reed)

has boasted of, but I think we must begin some kind of dialogue. No, I am just being jealous.

**Mr. J. A. Reed:** Even you can do it.

**Mr. Chairman:** The member acknowledged at the outset that he knows he is somewhat out of order. We are permitting it in the spirit of Christmas. Could the member give us some idea of how long his remarks might take?

**Mr. Stokes:** I readily admit to that, but it is the only opportunity I have had to express that particular concern to this minister. I am just serving notice that she has not heard the last of me on that very important subject.

**Hon. Ms. Fish:** Mr. Chairman, let me first say that the remarks of the member for Lake Nipigon come as no surprise. His views are well known to me, having listened carefully to representations he has made to my predecessors in previous estimates debates. I share his concern and commitment to the native community in this province and I look forward to working with him and all members of the assembly on such matters.

Going in slightly reverse order of items that were raised, a question was put by the member for Quinte (Mr. O'Neil) about the Macaulay committee, the timing and that sort of thing. The member may recall that the original schedule did specify a target for reporting at the close of this year. The committee has not been able to meet that deadline. However, I am advised they are feeling rather confident about being able to file within the first two months of the new year.

I am not in a position to provide any more specificity because I am being guided by the committee. It is small; it does feel it has a considerable amount of material, not simply to digest but to sort through. I am hopeful it will be the end of January, but I would be loath to suggest that as a firm date as indeed it might take until the middle of February.

I have not turned my mind to some of the details on the process the honourable member has raised, but I have given consideration to at least one other aspect. I am concerned that the report be printed in sufficient quantities so that, in addition to members of this Legislature, it will be available to a number of other groups and institutions who have a direct interest in the matter and have participated in the process of that committee. I am also concerned that it be published in both official languages of this country. That is a precedent in several reports that is worthy of repeating.

I will undertake to give some thought to some

of the other questions that were raised on the process. I have genuinely not thought through some of those other questions on timing.

I think this has been a rather beneficial and very public review of the role of the arts in our society and the role of government in relation to the arts. I expect a very broad spectrum of response and consideration of the committee's most important report. It seems fundamental that part and parcel of that is getting a report in a timely and effective manner to those who are concerned with the arts.

On the matter of the Royal Conservatory of Music, the member for Halton-Burlington (Mr. J. A. Reed) did indicate that my opportunities for intervention as minister are really in the area of what perhaps might reasonably be described as friendly persuasion, that I do not have a direct opportunity in this matter, for the reason that I think the member himself adequately described, which is that this matter is within the University of Toronto itself.

I would, however, assure you, Mr. Chairman, as I sought to assure the member previously, that the position I am taking might reasonably be described as a watching brief, to monitor the work of the Wolff task force on the future of the conservatory. The member has pointed out, as only he can with his rather particular concern, which I share, for tradition in this matter, that there are some special aspects to the conservatory that warrant special attention. I will continue my watching brief and, I am sure, work closely with the member in every way possible in this matter, recognizing that there is not an opportunity for direct intervention.

On the matter of the TVOntario expansion and other questions surrounding the Ontario Educational Communications Authority that the member for Quinte indicated he would like to raise, as he has in the past and I know will continue to do in the future, let me once again assure the member that I am continuing in my commitment, as I indicated earlier in this House, to explore with OECA the opportunities available to us for network expansion in eastern Ontario.

I am certain that I will continue in my discussions with the member for Quinte and others in that regard and I wish to assure him of my continued activity directly with TVOntario on this matter. I am hopeful that we can see the commitment to network expansion into eastern Ontario fulfilled at the earliest possible opportunity, which would indeed provide for the



direct broadcast to all of our residents throughout this area of the province.

Finally, the member for Hamilton West (Mr. Allen) restated, I think in a finely toned fashion, the concerns that have been raised on the costs and the revenues of exhibits mounted by the Royal Ontario Museum among others. I share the member's concern not simply on the question of revenue shortfalls as they apply to these exhibits and expenditures but as well on the desire to have as many opportunities as possible for the public to view, appreciate and learn from what I think the member will agree are truly extraordinary items in the ROM collection.

I assure the member that I and my officials are in continuing discussions with the museum on that question as well as the broader question of such things as accelerating the gallery development, for example, which is before us today in supplementary estimates, so as to provide some move in the direction of ensuring additional exhibit space and additional opportunities for the residents of this province to see some very fine pieces in the collection.

Vote 2906 agreed to.

11:40 a.m.

#### SUPPLEMENTARY ESTIMATES, MINISTRY OF COMMUNITY AND SOCIAL SERVICES

On vote 3102, adults' and children's services program:

**Hon. Mr. Drea:** Mr. Chairman, I am sure most of the members will know how the funds are designated. There is approximately \$119,300,000 for income maintenance and \$3.5 million under the category of adults' social services. As the members will recall, \$1 million of that \$3.5 million was announced by the acting minister on October 11 and was for senior citizens' programs, which enabled the ministry to ensure the continuance of those senior citizens' programs that were no longer going to be funded by the federal government.

The remaining part of the senior citizens' program was to bring up to balance the funding mechanism in the homes for the aged in conjunction with the settlements and improvements that were reached with the Extencare nursing homes, in the private sector, by the Ministry of Health.

**Mr. Wrye:** Mr. Chairman, there are two areas on which I want some response from the minister, particularly because it is a rather large

amount of money. Perhaps I will ask about one area at least.

With respect to the income maintenance program, since the estimates were introduced, the minister has reduced the level necessary to qualify for an added bit of assistance from the government in welfare payments for people in various cities. I wonder if he could outline to us how many cities have managed to avail themselves of that. I believe that took effect on October 1, if I am not mistaken. Could he give us some estimate of the kind of money we are talking about in terms of increased help from his ministry to those cities which have faced these kinds of difficult welfare problems for some long time?

The second area is under the program description, residential and community support services for developmentally handicapped adults and children. I wonder if the minister could outline what new money has been put into that program since the original estimates. Is some of that money being diverted as a result of his ministry's study of the document called Moving Time? I see the minister shaking his head, but I think it is fair to say, and I am not trying to be provocative or critical, that as a result of some of the concerns that were expressed—

**Hon. Mr. Drea:** It is not in these estimates.

**Mr. Wrye:** Maybe the minister could outline what new money is involved since I see it under the program description. That is fine. I will leave it at that for now.

**Hon. Mr. Drea:** On those two questions, if I can be helpful to the member, there is no new money in the second category in these estimates.

On the question of increased assistance to the hardest hit municipalities, the first bills are just coming in. There is no real pattern yet. The member will recall it is retroactive. They have the rate for four months and then it is paid back. This is the month the first cheques will go out. There is a question on the order paper about it, but perhaps if we can have until the end of the month or to the first part of January, as soon as the first results are available, we can answer the question on the order paper, an interim one, by mail to the member and to the New Democratic Party.

The question of how much funds there are is really an estimate. It is up to \$1.5 million, but the member should bear in mind that is only for a portion, for the remainder of the fiscal year. That is an estimate and, quite frankly, we do not know the figures.



Bad as the situation may be in certain areas, including the member's own, through September, October and November, it is really with the advent of December, January and February that the true winter numbers and the long-term numbers become available. There is no question that municipalities like the member's are going to qualify. That was known when we started. It is the same for Sault Ste. Marie and some others. As soon as we have an idea of how much is going out, we will let the member know.

**Mr. R. F. Johnston:** Mr. Chairman, the one supplementary question I had to that raised by the member for Windsor-Sandwich (Mr. Wrye) has been answered in terms of that being just a guesstimate and not really a clear idea of how much would be needed. I would appreciate it if by the end of December the minister could give us some kind of interim idea of what the first stage will look like. It would be very helpful.

**Hon. Mr. Drea:** Could I reply to the guesstimate part since the member has raised it? One of the difficulties with the guesstimate is that in many municipalities we are very rapidly taking many people off general welfare assistance and putting them on family benefits. That is a pattern that was really in high gear in the fall. On the guesstimate, it may be the first payments do not really reflect what is likely to occur in the first quarter of calendar 1984 because so many were being transferred from the general welfare assistance roll to the family benefits roll.

It would be unfair to draw conclusions from the fact that the figures appearing in the first payout month do not correspond to the guesstimate, or vice versa, or to make projections. We will send the member the material for January as soon as those claims are in. I think the January period may provide a better idea for 1984 than the December payments.

**Mr. R. F. Johnston:** I just have three short points. I will wait until concurrences to deal with things more generally involved with the ministry.

I accept the need for the money that has been requested and have no difficulty with that. I had hoped at some point the minister would be taking a new look at the whole question of the welfare system in Ontario—in fact, the whole income maintenance system in Ontario—and doing a major review of that. As he knows, I have been advocating that for some time.

One of the things he might do for us today on the subject of assistance to the municipalities would be to tell us which municipalities have to

this point submitted bills, invoices or whatever we want to call them and for how much. I think that would be interesting to know.

On the senior citizen programs, although I am glad the money has come forward, rather than having the sort of precipice-saving kind of help this has been—these have been groups on the brink of disaster and the ministry has stepped in to help them either because they were losing federal funds or for other reasons—I would like to know when we are going to have a new approach to funding these kinds of community programs for senior citizens with some kind of rational basis, like for instance, the one suggested in Metropolitan Toronto about a year ago. I would like to have some idea of when that might be coming forward.

**Mr. Bradley:** Is this a supplementary estimate?

**Mr. Chairman:** We are in supplementaries still. Concurrence is the next order.

**Mr. Bradley:** I will wait until concurrences.

**Hon. Mr. Drea:** We do not have all the bills yet. We will be sending those out. That is what I am saying; they are just coming in now. We will provide them to the member today or tomorrow.

**11:50 a.m.**

I would disagree that this was precipice funding of these seniors' organizations in relation to the study that came out in the spring. That study drew attention to the fact they were losing their funding. I think it is also erroneous, as some have done, to blame the federal government for their losing their funding. The federal government did start them up as developmental projects and said there would be no more funding at the end of the three years. However, if they had proven themselves, they would have ceased to be developmental and would become part and parcel of community programs. This is exactly what happened.

I really do not know how one could respond to the matter raised about putting it on a different funding basis. If one is talking about a co-ordinated design program, I think it is something at which we are looking. However, in terms of the actual funding, I do not think there is a need for improvement on that because, basically, it is a purchase of service or funding for a purchase of service.

I discussed this before in my own estimates. Part of the difficulty is that when it comes to senior citizens' programs, some of the more centralized service approaches which look so good on paper simply do not work, particularly

in Metropolitan Toronto. Those approaches have been suggested over the years.

The successes appear to be the ones that started in an area, responded to a particular need in the area and concentrated their services in the area. Rather than a design type of program, I would far prefer to respond to an evolutionary kind because I think we have to look at the demographic differences which are there. Even in as centralized an area as Metropolitan Toronto, even in as centralized an area as the city of Scarborough, there are areas where there is a heavier population of elderly people living in their own homes. They are primarily the service recipients, rather than those in senior citizen apartments, etc.

Also, I think in the light of the demographic changes, there has to be a great deal of evolutionary and developmental planning, rather than looking at the traditional approaches, because we are dealing with two particular trends. One is the numbers. However, more important, it is the age and certain societal mannerisms which are beginning to take place. In our own time, for instance, senior citizens apartments, or their own homes, have taken the place of residential care.

I think those are things we have to look at because in any of the planning—and I am not talking about the ministry planning; I am talking about any type of government or any type of community planning of even a decade ago—none of this was anticipated. Therefore, we are looking at new approaches. However, I would not want to give the impression or the idea that there is one overall model being worked on, that is on the drawing board. I do not think it would be practical, feasible or desirable at this time.

Vote 3102 agreed to.

On motion by Hon. Mr. Drea, the committee of supply reported certain resolutions.

#### CONCURRENCE IN SUPPLY, MINISTRY OF COMMUNITY AND SOCIAL SERVICES

**Mr. Wrye:** Mr. Speaker, I want to make a few more remarks than I might otherwise make at this late hour, not of the day but of our session. I want to make them with the minister here and as the new critic, since the main estimates of the ministry were completed before I became critic for the Liberal Party.

I will start out by saying to the minister the difficulties of the recession and the impact of the government's inflation restraint measures and its spending restraints in the last two years

have been nowhere more felt than by the poor of Ontario. It seems to me it is time we came to some realization that this is the group of people in Ontario we must deal with on an urgent basis. They can no longer be ignored or given simply minimal increases.

The poor of Ontario have not only got poorer, but also more numerous because of the recession, because businesses that could not contend with the lean times went bankrupt and other companies were forced to stay in business by trimming down their work forces. As a result, unemployment rates have jumped; they are at the highest levels. They have come down somewhat, but they are still at near record highs. Those who were already on the unemployment rolls before the recession began remain on the unemployment rolls today.

I come from a community where that is very obvious, where there simply are no jobs and where those who were unemployed in 1980 and 1981, for the most part find themselves unemployed today and are receiving general welfare assistance for themselves and their families. Now that the province has managed, along with the federal government, business and labour, to bring under control the inflation affecting all of those in our society, we must turn our efforts towards the unemployed and the working poor so they can have a share in the economic recovery.

Recent studies have shown that the popular perceptions of those receiving general welfare assistance as being nonproductive, lazy and unwilling to look for work are patently untrue. As a matter of fact, any one of us, having met with the people who have come into our constituency office and have looked for jobs month after month, with hundreds and sometimes thousands of employers, knows it to be untrue.

The majority of welfare recipients are in that financial condition through no fault of their own. Many, indeed, are single mothers with children, persons whose unemployment insurance benefits have run out and people who are permanently ill or disabled. They are not shirking and they are not people who do not want to work. To add to the tragedy, we find that a large group of the poor in Ontario—and we sometimes forget about them—are children.

Children make up 42 per cent of those on public assistance in Ontario. They are the children of the sick, the disabled, the single parents and the long-term unemployed. The National Council of Welfare in its report on poor kids has shown the serious and lifelong effects of poverty



on Canadian children. According to the council, inadequate family incomes increase the likelihood that children will suffer from poor health, malnutrition and family conflicts.

#### 12 noon

Poverty was also linked to poor school attendance, low educational aspirations, low career expectations and conflicts with the law. That should come as absolutely no surprise to any of us. By not beginning to attack the problem of poverty in our society here in Ontario, we may be consigning a very large group of poor kids, the 1980s poor kids, to a life with that kind of problem.

The minister stood in his place when he returned earlier in November, and his answer to ease this problem was an increase of five per cent in welfare assistance aid and in family benefits. Even comparing Ontario's 1984 welfare rates with the 1983 rates for other provinces, Ontario still ranks 10th or eighth, depending on which province one looks at. The Social Planning Council of Metropolitan Toronto has estimated that it would take an increase of anywhere from eight per cent to 19 per cent, depending on family size, to bring those recipients back to the 1975 levels of income.

At present, the poverty line for a family of three—and I do not think I am being overly generous—is estimated at somewhere in the \$12,000 to \$13,000 range. However, we expect such a family to live on \$10,000 a year. That hardly covers, and perhaps in Metro Toronto does not even cover, the basic needs of food and shelter.

In addition to the unemployed and the welfare recipients, another group is suffering from the effects of the economic recession. However, this group is often forgotten in the debate. I am referring to the working poor. Before the minister shakes his head and says he does not have responsibility for the working poor, I know this comes under the aegis of the Ministry of Labour. I am pleased to see what little increase in the minimum wage we saw in recent days.

But I say to this minister that he, as Minister of Community and Social Services, has a role around the cabinet table to bring aid and support to his colleague the Minister of Labour (Mr. Ramsay) and to other colleagues who are trying to help those who are poor in our society to be able to reach up and to be able to enjoy some of the fruits of our Ontario. I simply do not believe the increases in the minimum wage announced recently by the Minister of Labour will really have that effect.

The numbers do not look terrible today, but we must remember the first increase does not take effect until March 1984 and the second part of the increase, to \$4.05 an hour, in October 1984; that is almost a year away. So figures that do not look too bad today, I suspect are going to look very inadequate a year from now, and once again this province will be at the lower end of the scale. It is not there today, and I acknowledge that, but we will wait and we will see, and I believe we will probably find that other provinces will once again move ahead of ours.

I want to turn briefly to one aspect of the problems with the elderly. I want to direct the minister's attention to one of the problems of services to the elderly; that is, the co-ordination of residential services for seniors. I realize again that only one part of this problem is under this ministry and that part of it comes under the Ministry of Health.

At present, there are many contentious issues involving nursing homes and homes for the aged. These include the lack of stringent regulations governing their operation, the inspection process, complaints investigation and a shortage of beds. The ministries are juggling nursing homes and homes for the aged back and forth between them like the political hot potatoes they are.

The major problem seems to be a lack of co-ordination in the operation of residential facilities for the elderly owing to the fact that they are under the jurisdiction of different ministries. At present, care for the elderly is disjointed and can be moved back and forth between two types of facilities depending on their immediate condition. The two types of facilities, because they are regulated separately, do not provide a uniform quality of care.

I suggest to the minister that the distinction between nursing homes and homes for the aged, and the type of client they serve, is no longer clear. The various types of facilities perhaps should be placed under a single ministry's control, and at that point licensing and inspection would be more uniform and gaps or duplication in one area of care could be eliminated.

A typical gap in the continuum of care was addressed by the Ontario Association of Homes for the Aged. I raised this matter in the House, I believe, before the minister's return. At its recent convention it repeatedly demanded a fourth category of care—I know the minister is aware of that—namely, heavy extended care, to bridge the funding gap between extended and chronic care.



In question period recently, I raised a very specific example. I gave the government specific figures detailing the problem faced at the Villa Maria Home for the Aged in my own riding of Windsor-Sandwich. I might say that I received a nice letter from Villa Maria, thanking me for raising it in a responsible fashion and for bringing the numbers directly to the attention of the minister and of the government.

I am sure the minister does not believe that anybody out there is trying to pad the figures. These are very definite needs of the homes for the aged, and I can certainly attest to the fact that other funding sources are not available in the case of Villa Maria. These homes are not operated to make profits, and the funding certainly must come from somewhere. I do hope the minister will move very quickly on that.

I want to turn to one area pertaining to Ontario's women. I might say by way of introduction that I applaud in general what is a reasonably credible governmental response to the standing committee's report. I certainly want to lend my support to that response. I think all of us were pleased with a number of the aspects of that report.

The major problem, and I know the minister realizes it is a major problem, is that one of the most important recommendations of the report, the need for block funding, was not addressed. Transitional houses, as he knows, continue to be funded as hostels under the General Welfare Assistance Act. The municipality in which the house is located pays a per diem for each occupied bed. The Ministry of Community and Social Services reimburses the municipality for part of that payment.

There are many problems with the per diem funding. I know the minister is aware of them, and he has heard of them, but I want to repeat them. The per diems cover only room and board and no other operating costs. They are dependent upon the number of women in a hostel at a certain time and thus, if the occupancy rate drops, the funds are cut. But at the same time the funds are cut, the number of staff cannot be cut holus-bolus, on a "here today, gone tomorrow" basis.

The major costs of the transition houses remain fixed, and yet the funding is sporadic at best. As a result, many houses were having funding difficulties, and the government moved in with its announcement of bail-out money. I certainly applaud the fact that there is bail-out money, but there is going to have to be a final

and definitive answer. I hope we are going to move ahead on that.

I simply want add for the minister's information, since I see my friend the Minister responsible for Women's Issues (Mr. Welch) is here, that in the estimates last week I shared with him some of the material we received back from the transition houses in terms of their views. They are unanimously of the opinion that the only option is block funding. Indeed, in a survey we sent to them we asked them whether there were alternatives that they could suggest. They came up with only three alternatives. The vast majority of them said—and these are the experts in the field—"as far as we can see, block funding is the only way to go."

**12:10 p.m.**

I want to touch briefly on one other issue before I conclude. It is an issue that is becoming increasingly near and dear to me as I take on this role. I want to talk briefly about the problems of the developmentally handicapped. We could go on for some time about those problems.

The minister has to begin to come to his senses on this issue. I say that advisedly. The minister and this government have failed the people who are in those homes, they have failed their families and loved ones who care so deeply about their future and they have failed many of the people who have cared for them. They have acted in a manner—I do not want to say that it has been cavalier—that has shown a distinct lack of feeling and understanding.

The minister is aware of the document called Moving Time, which is an assessment of how the ministry lived up to its promises and what happened in the closing of St. Lawrence Regional Centre. It is a pretty damning indictment of the failure of this ministry to properly plan and co-ordinate that closing. It is an indictment of the fact that those closings in a sense are not deinstitutionalization; they are a shuffling of the players.

The last information I saw a couple of days ago was that the Bluewater Centre is not entirely closed yet—

**Hon. Mr. Drea:** Yes, it is.

**Mr. Wrye:** Is it now closed? Okay. The minister tells me it is now closed.

**Hon. Mr. Drea:** For the sake of the record, there are no patients there.

**Mr. Wrye:** As far as I knew, as of late last week, there were still 35 or 40 there, but that is fine.

I am thinking particularly of the shuffle of

people from Bluewater to Palmerston. I do not understand how that becomes de-institutionalization. If the minister believes that is deinstitutionalization and if he believes everything is going fine, we can stand here and say we are simply having a political disagreement; but I suggest to the minister, and he knows what I am talking about, that the disagreement he is having with this party and with the party to my left is nothing compared to the disagreement he is having with the people who have the immediate concern for the residents of those homes.

The minister does not have them on side. They do not accept or support what is going on. He still has a major selling job to do. We now have two of those centres closed. It is time to come up with a major selling job before the others are closed.

I want to close by discussing briefly the plight of another group of Ontario residents, the disabled in general and I realize it is a great catch-all. We are in a grave way with what we are doing with the disabled in this province. This tracks over a number of ministries of this government, and rightly so. We have short-changed the disabled.

In October, while the minister was still recovering, his colleague the Provincial Secretary for Social Development (Mr. McCaffrey), who was acting on his behalf, along with my colleague the member for Scarborough West (Mr. R. F. Johnston) and me, attended a rally for disabled rights held at Queen's Park. In a sense, at that rally as a new critic—and perhaps I should have been a little more sensitive to it before—I was made painfully aware of the frustration being experienced by the disabled on a wide variety of levels. As a consequence, I promised to draw their concerns to the attention of the government.

I am sure the minister is aware that accordingly I submitted a resolution to the House which calls for a select committee on the disabled. It would be given a mandate to review the impact of existing legislation on employment, education, housing, accessibility, transportation, benefits, health and recreation, among other things, for the disabled.

A lot of the material is in place and it has some very stringent time limits, because I think it is very important that we get off the dime and start moving ahead on this issue. I felt, and still feel, that such a committee would give the disabled a chance to voice their concerns and give us, the politicians, a clearer picture of those concerns.

However, my resolution has thus far not been

acted on and, indeed, has apparently been turned down by the government. When the minister was away, the acting minister, the Provincial Secretary for Social Development, said that a select committee was unnecessary and that instead he would ask the various ministries involved with the disabled to meet and discuss their problems.

I have heard very little about that interministerial discussion, and it appears to have been nothing more or less than a stalling tactic, which will produce few results other than the lack of initiatives we have had over the last while in this whole area. I genuinely hope the minister will stand up, contradict what I am saying and indicate to me, to the House and, most important, to the disabled of Ontario, that concrete results are emanating from these discussions between the ministries.

In closing, one of the things in the ministry that is very complex, one of the things I have learned in my short time as its critic, is that the plight of the disabled in this province is one of the saddest problems we face. The time has come—indeed, it has long since passed—when we ought to address the problem in a very serious and concerted attempt to overcome the grave difficulties that we as a society have placed upon the disabled in addition to the difficulties that often they are born with or have acquired as a result of various accidents or problems during their lives.

**Mr. R. F. Johnston:** Mr. Chairman, it is traditional at this time to review one or two areas of ministry policy that have been of concern to us, which perhaps we have not dealt with adequately within the estimates proper and would like to make a few remarks about.

This is the Christmas season, and it is generally a time when we are all feeling very hospitable towards one another and anxious to get away from here to our families. But I decided today, as a result of happenings in this Legislature in the past two days, to make my remarks slightly different from what I have had to say in the past. I want to proffer my thoughts about the role of this minister and particularly the way he has taken on his responsibilities, or abdicated them from time to time in the context of what is in my view the most sensitive ministry of all the cabinet portfolios, one of the largest spending as well as the one that deals most closely with the needs of our most disadvantaged and those in the greatest need of protection.

When I look at the way this minister operates I cannot help feeling he is inappropriately



placed in this position. I know I sometimes contribute to the air of confrontation that takes place and the minister and I are not known for passing many sweet words between each other, but I cannot help feeling that our relationship here in the House and the kind of battling we might take on here is a very different matter from how a minister should behave towards the constituents he represents because of his ministry or towards those whom he needs to protect within his ministry.

**12:20 p.m.**

The minister has often acted unilaterally without proper consultation with the policy-makers within his own ministry. The minister has insulted many of his constituent groups, whether deliberately or just by an exaggerated slip of the tongue. He has now, for the first time that I recall, because he has been very careful about this in the past, gone against the precepts of the notion of the absolute need to protect children and the identities of children who may have been victimized in our society.

Look at the way in which the minister has dealt with a number of issues; for example, income policy. I do not again want to get into my views on what is needed in income policy. I want to talk in terms of the way he relates to constituent groups in society, trying from their position to better the lot of individuals, the levels of income they receive and the rational bases for making those kind of decisions and having more equity in the system.

I look back to the kinds of conflicts the minister has had with a group such as the Social Planning Council of Metropolitan Toronto, giving it tags and names which demean his role. Even if he is in fundamental disagreement with that body, as he often is, I do not think it behooves a minister of the crown to take on those people the way he has done and in the terms in which he has done it. He should do it factually and challenge the council's statistics. He has done that but he has done much more than that in terms of what I would name-calling.

In terms of his own ministry and the whole question of the developmentally handicapped, the way in which he has operated within and without his ministry has been irresponsible and uncommunicative. Let us take the five-year plan as an example. In a responsible fashion he could have been much more open in meeting with the parent groups and much less evasive and confrontational, especially in those early days, than he has been. He has called into question the

motivation of those people who are in opposition to him.

Let us look at the triministry—the minister would probably call it the devolution of the triministry project; I would call it the disintegration of the triministry project. I would say it was done without proper consultation. Those who have been running that program were the last to know what was going to happen to them. The change and the speed-up of moving people to the regional offices came down out of the blue. It had a great deal of personal motivation behind it and very little in the way of planning.

His attitude towards the report on spousal abuse by the standing committee on social development and his initial comments to that were in my view totally irresponsible and totally unnecessary, employing provocative language both here and again out in the hall. It was not suitable at all.

Again to do with the consultation process, there is, as the minister knows, the Association of Interval and Transition Houses. If he does, he ignores all the things the committee has talked about and the recommendations it has made. Without proper consultation he sets up family resource centres in the north in a way which will provide second-class care for the people in the north. He has people who have had no experience at all in the field when I question them coming to our committee to explain why it takes place. They could not explain why this has taken place except it was a good Board of Industrial Leadership and Development project.

I look at the way the minister set up the Ontario Centre for Child Abuse. Who knew about that? Nobody knew about that in his ministry. That was something that the minister, his deputy, his friend Dr. Bates and maybe one or two others cooked up, but his policy people sure did not know about it. I remember some jaws dropping when that announcement was made; people who had been actively involved in that field within the ministry for some time felt a little passed over.

**Hon. Mr. Drea:** Name one.

**Mr. R. F. Johnston:** I am not going to name them here. I have seen what the minister has done to others I have named in the past. That is not proper planning or interaction.

Take the example of the Sarnia-Lambton Children's Aid Society and the case of the alderman there who had been very actively promoting the cause of a number of parents, family members and others who felt the society was not doing a good job. He went down there,



and properly in the end, after he had been asked to by myself and others and said he would not, to clean up matters.

He did not a bad job when he was standing there giving his speech, trying to make it very clear the association was now doing a much better job. Then he ends up with a throwaway line to a reporter, saying, "If I hear any more of this stuff I am going to come back down here and clean the place up," or take it over or whatever.

That was totally unhelpful, totally unnecessary and inappropriate for a minister. As he said in his statement, his job was to re-establish faith in that institution. If anything, all he has done is prolong the questioning because of his approach, because of his style.

Then, the day before yesterday and yesterday we had the spectacle in this House of the interaction between the minister and the member for Hamilton Centre (Ms. Copps). The member for Hamilton Centre somehow believing that because a name has been out some place in the past she has the right to use that name again—that person has been on the registry—which is totally incorrect. She stood in this House using her privilege, I presume, in this House to use that name. It should have been called out of order, I might suggest. If we were little more aware of these things she should have been put in her place; but instead what do we have?

The first day we had the minister responding correctly. The first time he said he would not speak about the individual case and that was exactly the position the minister should take. This is no place for discussing the matters of a child abuse case, and specifically in this case a matter that is on the register. This is inappropriate. At that point the minister should have sat down and stayed there; but he got back up in this House later on, purporting to want to clear the record for the besmirching of the register, to indicate information about why this woman was on the register.

Quite frankly, that was inappropriate. That is as much an abuse of the rights of this House and of the protection of the child involved as was the actual naming by the member for Hamilton Centre. By responding to it in that fashion and giving out information, which one must say is in confidential files either in the ministry or with the register or with both, the minister was going farther than his responsibility should allow him to go. Not only did he do it then in the House, he walked outside of this place and, as we learned if

we watched the news, made further statements outside of this House which were referred to yesterday.

I would suggest to the minister that whether or not he wants to retract an individual part of that or wants to accept that he was right on that matter in terms of the substance of what he said he should not have been saying those things. He should not be talking about why somebody is on the register, what got them on to a register; especially when he knew, and I believe the member for Hamilton Centre knew, that the child involved in this whole matter was back living with the mother.

The identification of the woman, then talking about the nature of why that person is on the registry, can be directly pointed at that child. How many of her neighbours now know? How many of the kids who are friends of that child know now? How much of this is common talk in the schoolyard? What kind of abuse is going to be placed on this child just in terms of verbal interaction?

That is why we have that whole notion of confidentiality in this. It is not to protect persons whose names are on the register. They can ask for expungement, they can take it to the legal process, they have the right to do that. We have that process to protect the children. Surely it is our job here to be the protectors and not to participate in the violation. That is what we were doing and that is what this minister was doing.

Interjection.

**Mr. R. F. Johnston:** The member for Rainy River (Mr. T. P. Reid) may believe this is sanctimonious crap, but we have been through this already in this House.

**Mr. T. P. Reid:** You are the people who started naming individuals in this House.

**Mr. R. F. Johnston:** Garbage.

**The Deputy Speaker:** Order.

12:30 p.m.

**Mr. T. P. Reid:** It was his party that started it, so do not give me that.

**Mr. R. F. Johnston:** Those who have done it should take responsibility for it.

**Mr. T. P. Reid:** I am not agreeing with it, but you people have done it for years so do not—

**Mr. R. F. Johnston:** What we have at the moment is a specific case of a specific minister who has the ultimate responsibility for this who has been very careful about this in the past. He knows about the kind of interaction we have

had in the committee about particular cases, where he said, "I will not talk to you about that in committee but if you want to talk to me about it elsewhere I will give you the extra information."

That is exactly the way to deal with it, in that kind of confidence; not in this House, not outside in the hallways. I have no idea what was in the member for Hamilton Centre's mind, but knowing this minister and how this all operates did she really expect this woman to get an apology because the member for Hamilton Centre raised it again in this House? What balderdash. What kind of advice was she giving that woman?

I would just like to say in conclusion that I do not understand how the minister, after what he has done, after what he has been involved in—and I see it as a culmination of his kind of attitude, his approach to this ministry; his offhand comments, his launching programs without proper consultation, his taking on the groups that are out there in the field—can possibly feel he can stay in his position.

He has contributed to a very bad situation for that child and has therefore set an example; and if this goes unanswered he has said it is all right for all of us to speak on it, because he is the minister of the crown who is ultimately responsible and he has participated in this horrible thing that has gone on in the last couple of days.

He rightfully attacked members of our committee when they gave out a name in committee. He rightfully did that and now he has just jumped in with both feet and helped along this matter at this time. I would suggest to the minister that it is time for him to move along. This is not the appropriate place for him, and it would be a very honourable thing if he were to stand in his place and admit that was the case and that he was no longer going to sit as Minister of Community and Social Services in this House.

**Ms. Bryden:** Mr. Speaker, I have one small point I wish to raise with the minister. In my riding there is an organization called Day Care Connection, which is a parent-child drop-in centre at Adam Beck school. It provides a very valuable opportunity for parents and children to socialize, learn about parenting and exchange ideas.

At present it is being partly funded under a Ministry of Community and Social Services day care initiatives grant. I very much appreciate this recognition by the ministry of the importance of this facility in getting parents and children out of the isolation of the home and helping parents to become better parents.

However, the centre has not been able to ascertain whether its grant will be continued next year and it cannot wait until the estimates are tabled for 1984-85 to know if it can continue. At this date it has no committed funds from other sources. It will have to close its doors if continuing funding is not assured. I would therefore like to ask the minister if he will communicate with this organization as to whether the funding will be continued for 1984-85 or whether another day care initiative will be dropped.

It is fulfilling a very important function. Last year there were 1,884 adults and 2,643 child visits to this centre. They are asking for the sum of \$24,700 for next year.

**Hon. Mr. Drea:** Mr. Speaker, we will communicate with the member by tomorrow if she will leave the appropriate information now with my staff here.

First, in reply to the new critic of the official opposition, I would like to take this opportunity to say a few words about the former critic of the official opposition.

**Mr. Wrye:** A great man.

**Hon. Mr. Drea:** I would appreciate it if the member did not say my lines, I did not say his. The member for Prescott-Russell (Mr. Boudria) was the critic of this ministry for the last couple of sessions. His assignment was switched while I was still around. However, he did not venture back into Toronto until I was not around so I have not had the opportunity to say anything to him.

The member for Prescott-Russell served his post honourably and he served his post well. He served his area well. I know from time to time some of the hotshots in the House did not appreciate the fact that he would bring up individual or group problems on such things as how the family benefits office was operating and how some of the smaller things were operating.

I know they do not fit into some people's ideas, grandiose as they are in their own egos, about the true place of social welfare in our society. However, they are very important in the community areas, in the towns, in the crossroad centres of an area like the united counties of Russell and Prescott which primarily make up the member's area. I know how important they are.

I think it is a great tribute to him that even at a time of great restraint, when even Canada Mortgage and Housing Corp. turned its back on a commitment in the area—a small commit-



ment, I know, in terms of the very vast expenditures which go on in this province—he persevered on behalf of a small house of refuge for battered women. He persuaded and he really worked at it to the point where my deputy and I really felt obligated to twist a few arms in Ottawa to make sure, in a manner which we are never going to reveal, the mortgage money came to that particular centre. However, it is there.

I think that is a great tribute to a member. It is one thing to be a critic, it is one thing to be a great thruster and a great fencer down here; however, it is another thing as to what to do for one's riding, particularly in some of these less populated areas of the province, those that do not have all of the resources or all of the services which many of us take for granted in the larger urban areas.

The member for Prescott-Russell served his party well. He served his area well. I certainly hope he finds the same challenge and the same responsibility in his current assignment as he did for so many months opposite me.

I will just make a couple of points on the remarks made by the member for Windsor-Sandwich (Mr. Wrye) concerning the developmentally handicapped. Because I presumed he was new and he was being informed by others who have a bit of a vested interest and so forth, I really have not pushed too hard on some of the remarks he has made over the last couple of months.

#### 12:40 p.m.

However, we are now at the point where I think it is incumbent upon me to state a couple of facts. First, he talked about the parents who are closest to the developmentally handicapped in the facilities. The parents in Brockville overwhelmingly support what we did. The parents of those at the residence at Bluewater Centre—and there were not 40 there last week; I do not expect the member to have a day-to-day count but I will be very glad to provide a day-to-day count—are very supportive of what we did. The parents at the St. Thomas Adult Rehabilitation and Training Centre are pushing us to expedite the closing of the START Centre and the opening of the community programs. The parents' group at Pine Ridge in Aurora supports us publicly.

I detect a change in the official Liberal Party policy. They were not asking for a moratorium today, they were asking for a better selling job while we close the last two facilities.

While parts of the contents of the report in

Moving Time at Brockville have been read to this House, because it is a very balanced report, I think I could also read some very laudatory things about this ministry, about the five-year plan and about the comments of the individuals who are now living in the community who used to live in the institution.

I would welcome the same people who did the Moving Time report to look at Bluewater, at the START Centre and at Pine Ridge, because I am sure they will find an improvement at Bluewater over Brockville and they will find at START in St. Thomas an improvement over the closure of Bluewater and so on down the line.

We are doing those closings with a great deal of feeling and sympathy for those who are going to be moved; we are doing them with a great deal of feeling for the employees as well. We understand what dislocation means; we understand what change means to parents, particularly older parents; we understand what change quite often means to the family, even to the younger members of the family. The program is proceeding very, very well.

On the questions of interval houses and so forth, I will answer both of them. First of all, the 12 places of refuge in the north are the result of the joint work of my friend and colleague the Minister of Northern Affairs (Mr. Bernier), of his ministry and mine, and the municipalities and many women's groups in the north; and they are first class.

I was asked in Matheson if the remark had been made that they were second class and I said, "Certainly not." There are municipalities with women's groups that had not been established long enough or really want to undertake it and the municipal council sat down and started a program; I wish we had that type of leadership in many of our larger centres of this province.

I should also say this about the logistics of it. In many of those municipalities, in at least three of them, they know that the bulk of the people who will be in there are not residents of their municipality and are not in any type of county or district social assistance program where they are going to get easy reimbursement. They are looking after people who simply have no other place to go, regardless of their address; they know this is going to occur.

With respect to many of the things we have been told as part of some of the great myths of our time, about how people do not want to get involved because of the jurisdictional boundary lines and who is going to pay for what, I wish they would go to a place like Sturgeon Falls. I



really wish they would talk to the municipal council in Sturgeon Falls or in Mindemoya. It might be enlightening. I wish they would go to a small place like Black River-Matheson, a small place which is perfectly prepared to do what Timmins would not do, what Kirkland Lake would not do, and to do it right there. That is great leadership by a council and by the women's group there.

We have been meeting for quite a number of weeks with people in the transition or interval house field or the house of refuge field. We have been listening to many of their concerns about some of the particular applications of funding. We are compiling them, looking at them and we will shortly be making some decisions about the next fiscal year.

As the members will recall, the reason why not only this ministry, but the Provincial Secretary for Social Development (Mr. McCaffrey), the Provincial Secretary for Justice (Mr. Walker) and the Deputy Premier and Minister responsible for Women's Issues (Mr. Welch) put out guarantees that no one would close because of lack of funding in the remainder of the fiscal year was to give everybody an opportunity to look, assess and see where we would go in this field. Notwithstanding the desire of some—and I do not care how many surveys there are; it is still only the desire of some—to be funded on a block basis, that is not in the cards.

It is also a bit of a misconception that the payments being made now on the per diems only cover board and lodging. In many cases, they are higher than the cost of board and lodging and they do pay for counselling and a number of other things. The member is quite correct that in some, because of the decision by the municipalities, they are right at the board and lodging level, but that is another aspect we are looking at.

I do not find it amazing and I do not find it surprising, in fact, I won my bet with a number of people, that the tone and the content of the speech by the critic for the New Democratic Party would be identical to last year's.

**Mr. Mackenzie:** Say it again.

**Hon. Mr. Drea:** Identical. One of the interesting things about it being identical is that for the second consecutive full year, it represents a total lack, a bankruptcy of new ideas on that side. If all he can do in the concurrences is say he does not like the minister, he has not produced very much.

I would like to point out some of the accomplishments of this ministry in the last year. That

will more than adequately take care of the comments that have been made by the critic of the New Democratic Party and the people who have just arrived who feel an inordinate urge to speak.

**12:50 p.m.**

Notwithstanding the fact we are in a substantial recession, this social services ministry in Ontario is the only one in the Dominion of Canada and, to the best of my knowledge, in the 50 states of the United States that has not had to cut a single social program because of the extraordinary demands of the need for income maintenance. That is a record untouched anywhere.

It is a tribute to the present Treasurer (Mr. Grossman) and a tribute to the past Treasurer, the member for Muskoka (Mr. F. S. Miller), whose prudent foresight has provided us with the funds so that we can stand up in the last quarter of the year—last year we announced \$52 million over the wintertime in a recession package and this year we came in with a package valued at \$61 million, of which \$15 million was looked at this morning in supplementary estimates—that we are able to come in here this morning with more than \$120 million in supplementary estimates to bring my spending to \$2.4 billion.

We have not had to sacrifice a single social program because of the extraordinary demands upon our income maintenance cheques. That shows the leadership and foresight in this ministry.

It is very significant that after yet another full year, all the one-time voice of social reform, and I emphasize the words "one-time voice," because it is a pretty forlorn one today, can do is get up and say it does not like the ministry. That may indicate why there is a lot of trouble in that corner of the House. I think those members know what I am talking about.

Interjections.

**The Deputy Speaker:** Order.

Resolution concurred in.

House in committee of supply.

#### SUPPLEMENTARY ESTIMATES, PROVINCIAL SECRETARIAT FOR SOCIAL DEVELOPMENT

**Hon. Mr. Welch:** Mr. Chairman, in the absence of the Provincial Secretary for Social Development (Mr. McCaffrey), I present for the consideration of the committee a request for supplementary estimates in the amount of \$2,805,000

to supplement vote 2801 for the Ontario bicentennial project office.

It seems very interesting, almost coincidental, that as this particularly supplementary estimate is being presented to the House, there is a great function downstairs, as background music for this particular matter, as we get ready for what should be a great year in this province, marking 200 years of the contribution of people from all over the world to make this part of Canada such a distinctive part, not the least of which, of course, is the area I come from, being the first capital of this province, the great town of Niagara-on-the-Lake, formerly known as Newark.

It has celebrated its 200th anniversary. However, I am quite prepared, in the context of the bicentennial and the enthusiasm it will obviously generate throughout this province, to present for the consideration of the committee this request for supplementary funds.

**Ms. Bryden:** Mr. Chairman, I think we should remember that last night we passed a restraint bill. Every ministry is at the moment cutting back on requests for new services or underfunding some very important services to people. We are being asked today to vote \$2.8 million for the Ontario bicentennial project office. We have already spent a total of \$2.2 million on this project, which will make a total of \$5 million to date if this vote goes through. I think this is only the tip of the iceberg because there will undoubtedly be a great many expenditures in 1984-85.

The ministry did two surveys to see whether people were interested in having a bicentennial. These surveys were done by Kweichansky Marketing Research Inc., and I have seen a summary of one of their reports. They say that the overall climate of receptivity for a bicentennial was the same as the first study, that is, ranging from indifferent to hostile. The year 1784 as a base point is not the same as 1776 or 1867.

In other words, what they are saying is that not very many people recognize 1984 as a bicentennial year of significance to this province. The founding of the province of Upper Canada was in 1791, so the bicentennial should be in 1992. We are eight years ahead. They found that very few people are aware that the Loyalists, the first large immigrant group, came in 1784.

A lot of people are questioning why we are

having a bicentennial celebration at this time. I understand Ottawa questioned it and at one stage decided not to participate. In Sudbury they felt it was probably mainly a southern Ontario celebration and they were not particularly convinced that the celebration of one immigrant group's arrival justified a very large bicentennial celebration. They did not deny we should recognize the coming of the Loyalists, as we recognize a lot of other events of an historical nature each year, but they did not feel it justified spending what appears will be from \$10 million to \$15 million on a program.

There are only two or three reasons why we are having a bicentennial. One is the opportunity for the Premier (Mr. Davis) to appear on a lot of platforms in what may be an election or a pre-election year, and another is the opportunity to create new regional jobs. I would like to ask the minister whether these regional coordinator jobs, which have just been filled, were advertised or were they simply handed out as part of Tory patronage?

The bicentennial program undoubtedly will give the government great opportunities to hand out several million dollars in grants to municipalities, organizations and schools. It will not necessarily create any new jobs. People are wondering whether we should not be spending this kind of money on things like creating more jobs for youth, topping up the Ontario career action program and so on. We should look very carefully at this bicentennial project and consider whether the money could not be better spent on looking after our job creation and other activities which will cost less but will recognize the Loyalists. Maybe we should have a bicentennial in 1991.

**Hon. Mr. Welch:** Mr. Chairman, in following up, I remind the member who just spoke that Ontario did celebrate its 100th birthday in 1884. We are not talking only about Loyalists; we are talking about the contribution of people from many lands and about a very interesting program with a tremendous people emphasis throughout the province. We are also talking about one-time funding for what will provide the people of Ontario with an opportunity to reflect on their roots and the whole concept of tradition. I think it will be a great year.

I was encouraged when the leader of the New Democratic Party indicated in a speech in this House a few days ago how he was looking forward, along with the members of his

caucus, to being involved in this program.

Vote 2801 agreed to.

On motion by Hon. Mr. Wells, the committee of supply reported a certain resolution.

## CONCURRENCE IN SUPPLY

Resolution for supply for the following secretariat was concurred in by the House:

Provincial Secretariat for Social Development.

The House recessed at 1 p.m.

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## SPEAKERS IN THIS ISSUE

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Bryden, M. H. (Beaches-Woodbine NDP)

Conway, S. G. (Renfrew North L)

Cousens, D., Deputy Chairman and Acting Speaker (York Centre PC)

Drea, Hon. F., Minister of Community and Social Services (Scarborough Centre PC)

Eaton, Hon. R. G., Minister without Portfolio (Middlesex PC)

Fish, Hon. S. A., Minister of Citizenship and Culture (St. George PC)

Johnston, R. F. (Scarborough West NDP)

Jones, T., Deputy Speaker and Chairman (Mississauga North PC)

Mackenzie, R. W. (Hamilton East NDP)

Martel, E. W. (Sudbury East NDP)

McClellan, R. A. (Bellwoods NDP)

Nixon, R. F. (Brant-Oxford-Norfolk L)

O'Neil, H. P. (Quinte L)









# **Hansard**

# **Official Report of Debates**

## Legislative Assembly of Ontario

**Third Session, 32nd Parliament**  
Wednesday, December 14, 1983  
Afternoon Sitting

Speaker: Honourable John M. Turner  
Clerk: Roderick Lewis, QC



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# LEGISLATIVE ASSEMBLY OF ONTARIO

Wednesday, December 14, 1983

The House resumed at 2 p.m.

**Mr. Speaker:** Statements by the ministry.

**Hon. Mr. Walker:** Mr. Speaker, I think we are about four minutes faster than copies can be made available of these two statements, or at least of this one statement. I am prepared to give mine now but I apologize that the leaders of the parties opposite will not have the benefit of these pearls of wisdom for another four or five minutes.

**Mr. Peterson:** We will wait.

**Hon. Mr. Walker:** I will read slowly, if that is helpful.

**Mr. Speaker:** Would you like to wait and then we can revert to statements when they are ready?

**Mr. Ruston:** I don't think so.

**Mr. Nixon:** Maybe we had better just adjourn for a few minutes until we get things going.

**Mr. Ruston:** Call a quorum.

**Mr. Speaker:** The minister can give his statement now. I think the statements are going to be distributed.

**Hon. Mr. Walker:** Members will have copies in a moment.

Mr. Speaker, with the deference of the House I will proceed on the statement.

**Mr. Nixon:** Wait. We are not proceeding without copies.

**Hon. Mr. Walker:** I have a copy. Would the member like to come over and help me read it?

**Mr. Peterson:** Mr. Speaker, you could give us Christmas greetings.

**Hon. Mr. Walker:** Mr. Speaker, with the deference of the House I will proceed.

**Mr. Speaker:** Order, please.

**Mr. Peterson:** Mr. Speaker, we do not have copies of the statement yet.

**Mr. Speaker:** I think if we just wait for a few seconds.

**Mr. Peterson:** I would move adjournment for 10 minutes.

**Mr. Speaker:** I do not think we can do that.

**Mr. Stokes:** There is nothing that says we cannot just take up a few moments.

**Mr. Speaker:** Exactly. That is just what I was going to suggest, that we all stay calm, sit still, be patient and listen for that fine old gentleman who is going to come down one of these chimneys before too much longer.

Taking the advice of the member for Grey-Bruce (Mr. Sargent) and his leader, I would like to take this opportunity to extend warmest Christmas wishes to everyone. Of course, I will do that again but this is a dry run, just for practice.

## LEAKING OF REPORTS; CONFLICT OF INTEREST

**Mr. Breagh:** On a point of privilege, Mr. Speaker: I wanted to draw a couple of matters to your attention.

I know it was raised earlier this morning at 10 o'clock when I was in estimates but I did want to draw to your attention that once again today I have to read the Globe and Mail to find out what committee reports are being reported on these days. Since this is becoming such a regular occurrence now, I do think that somewhere in the process something is amiss. Mr. Speaker ought to take a look at that whole procedure of the tabling of reports and the leaking of reports since there seems to be a need for some kind of tile drainage to cover that one up. That is one matter I wanted to raise with you.

Since I have the floor, Mr. Speaker, I would like to raise the second matter of this morning. During the debates on the teachers' super-annuation bill I rose to declare a conflict of interest. I must say that in attempting to do so I found some difficulty, because nowhere in our standing orders does it use those words nor, I am told, is it contained in the Legislative Assembly Act. To my knowledge, at least two other provinces, Quebec and Alberta, have gone to rather great lengths to do what we did last year for municipalities; that is, to review and set out guidelines for conflict of interest for members.

I would like to pursue that in the procedural affairs committee. I think it would be wise for you to make some comments and perhaps a reference to that committee on the whole matter of conflict of interest.

**Mr. Speaker:** Thank you very much for the

opportunity. I was waiting for an appropriate time.

The matter to which you referred in the first place, the premature reporting of reports, has been called to my attention as you already know. I did indicate that I would hope the standing committee on procedural affairs would indeed take that under consideration. I would hope when it is taking that under consideration and other changes which it may be thinking of, it would at some point consult with the Speaker and give him an opportunity to make some suggestions. I would like to be involved in the process before any final recommendations are drafted.

Your second point comes under the same general heading. Again, I would hope very seriously that the procedural affairs committee would take that under advisement. At the present time it is very difficult for any of us on many occasions discussing legislation not to have some kind of conflict. So it is an appropriate matter and I thank you very much.

I do not know whether we have spent enough time. Has the minister distributed his copies yet? No, not yet.

I think the Leader of the Opposition feels compelled to say something.

#### GOVERNMENT SPENDING

**Mr. Peterson:** Mr. Speaker, I am just trying to assist you in your onerous task of trying to waste some time until the government gets its act in order, and in that regard I rise on a point of privilege in defence of the Minister of Industry and Trade (Mr. F. S. Miller), who I know would want to clear the record and come clean with this House.

He is quoted in the Kingston Whig-Standard of Thursday, December 1, 1983, as follows: "He also said that there had only been three deficit budgets in 12 years" in Ontario. That is so factually and glaringly inexact, and if he views what he did as providing surpluses in this province, either he is very ill informed or else a grievous error has been made.

I believe you should give him the opportunity to clean up the record and, in fact, come before this House and fess up.

**Mr. Speaker:** I would be pleased to give the Minister of Industry and Trade that opportunity.

**Hon. F. S. Miller:** Mr. Speaker, I have not as yet seen the article, but I think I recall the location and the comment. My comment was that if one took only the direct costs of running

the government and not the capital investments in Ontario, there were only three of the last 12 years in which we had a negative cash requirement.

**Mr. Peterson:** Mr. Speaker, I believe I should also rally to the defence of the Treasurer (Mr. Grossman) on this occasion, since he has been severely criticized by the minister. The Minister of Industry and Trade is quoted as follows: "He paid tribute to small-town Ontario where the people 'know how hard it is to make a dollar.' It is perhaps the single reason why the majority of Ontario Treasurers have come from small communities, he said."

This is a severe criticism of Toronto, about which we care so very much in this province, and of his colleague. I think the Treasurer would want to take this opportunity, while we are wasting time on your behalf, to clear the record again.

**Hon. F. S. Miller:** Mr. Speaker, I of course have no bias in rising to this occasion. I would simply say that in spite of the qualities of people who represent urban ridings, those of us who represent rural Ontario still know how to make a buck better than the member opposite does.

#### FRENCH-LANGUAGE SERVICES

**Mr. Rae:** Mr. Speaker, on a point of order: I would like to put on the record an observation that, in the preparation of the submission of the New Democratic Party to the Court of Appeal with respect to the reference on French-language instruction, we have found it impossible to gain access to public documents at the Languages of Instruction Commission of Ontario on the grounds that were given in response to my counsel. When she asked why access to these documents was not permitted, she was told it was because the matters in question were sub judice.

I would have thought that at a time when so many public groups are trying to make an appeal to the court, after a reference has been agreed to by the Attorney General (Mr. McMurtry), it would then be government policy that all public documents that are at issue in this case would be equally accessible to all those who are seeking standing in the Court of Appeal.

I know you will want these observations to come to the attention of the Minister of Education (Miss Stephenson) before Friday because, as she knows, that is when these documents have to be submitted.

**Mr. Speaker:** I am sure the minister has taken note.



## ELEVATOR MALFUNCTION

**Hon. Mr. Ashe:** Mr. Speaker, I rise on a point of whatever you feel is appropriate. Members will recall that last week two points were raised by members opposite about an elevator in the building. They were not raised in any negative or derogatory way, and that is not my point in bringing it to the attention of our colleagues today. The elevator was stuck between floors and some constituents were stuck for 20 or 25 minutes.

**2:10 p.m.**

I did want to report to alleviate any fears there might be. The elevator itself was not defective and, in fact, worked the way it was supposed to, and I think that proved it. The posted capacity of the elevator was 15 and the occupancy of the elevator at the time was 22. That is what happened and it was dealt with in a very responsible and rapid fashion.

## STATEMENT BY THE MINISTRY

### BATTERED WOMEN

**Hon. Mr. Walker:** Mr. Speaker, I am glad finally to get on.

A few weeks ago I tabled in the Legislature, in conjunction with my colleagues the Provincial Secretary for Social Development (Mr. McCaffrey) and the Minister responsible for Women's Issues (Mr. Welch), a document outlining the Ontario government's current and planned initiatives to address the problem of wife battering.

Today, I am pleased to inform the Legislature of some specific actions the Justice secretariat is taking in this area.

A provincial consultation on wife battering will be held in Toronto on January 23 and 24, 1984. The purpose of this consultation will be to provide an opportunity for front-line personnel, community workers and policy makers to share their ideas on the best ways to address and combat this tragic sickness in our society.

The consultation will be designed to identify not only the day-to-day changes that can be made to improve the ability of the criminal justice system to aid victims of batterings, but also to address whatever long-term changes may be necessary. Participation is being invited from all relevant groups in Ontario as well as from the relevant federal government ministries.

Second, I am pleased to announce the undertaking of a study to improve and better co-ordinate the provision of counselling services and legal information to victims of battering. The Justice

secretariat will conduct a thorough examination of the many different programs and services offered by community agencies across the province, assessing the various alternative methods open to these dedicated groups, and will make specific recommendations on what future directions they, as well as the government, should take.

Finally, in response to the many concerns raised by members of the Legislature and the community at large, I am happy to announce that the complainant support program of Hiatus House in Windsor will receive an immediate grant of \$15,000. This grant will cover a three-month period and will enable the program to continue operating until the province has had the opportunity to secure the federal evaluation of the program. In this period, the province will also make its own determination on whether Hiatus House effectively meets the objectives of the criminal justice system.

It is time to open the door wide on what has been for far too long a closet issue, and in making these announcements today I am confident that the government is continuing on its steady course to address this most serious challenge, the welfare of our society.

## ORAL QUESTIONS

### RETAIL SALES TAX

**Mr. Peterson:** Mr. Speaker, I have a \$64 question for the Treasurer.

**Mr. Conway:** The Toronto Treasurer.

**Mr. Peterson:** The Treasurer from Toronto who does not know how to make a buck, presumably.

The Treasurer will be aware that the former Treasurer, now the Minister of Industry and Trade (Mr. F. S. Miller), was quoted in the Kingston Whig-Standard of Thursday, December 1, 1983, as saying, "Ontario's sales tax may be increased to eight per cent . . . a real possibility that the province will soon announce a one per cent hike."

In view of the fact that any increase in consumption taxes could abort any recovery in our economy, in view of the massive increases in taxes that have been brought forward by his government in the last three years and in view of the fact that this one per cent increase in retail sales tax would take an additional \$64 out of the pockets of every man, woman and child in this province if implemented, will the Treasurer now stand in his place and completely dissociate

himself from the remarks of the former Treasurer?

**Hon. Mr. Grossman:** Mr. Speaker, let me say that I never dissociate myself from the remarks made by any of my colleagues, particularly the former Treasurer. I am always happy to stand with him and his remarks, particularly when they are totally and accurately reported. However, in this circumstance he reports to me that he does not remember using those precise words.

Interjections.

**Hon. Mr. Grossman:** And in that I support him entirely as well.

Might I say that tomorrow afternoon I will be introducing the fall prebudget statement. The purpose of that statement is to analyse many of the options before us and to begin the consultation and discussion with regard to all options that face us. I have not to date addressed the issue because we do have five or six months before making those decisions. Tomorrow is the start of that process. Obviously, therefore, to date no contemplation has been given to any tax increases or decreases.

**Mr. Peterson:** I am sure the Treasurer will be aware that the former Treasurer is quoted as saying he prefers an increase in sales tax rather than an increase in either income or property tax because it is more fair to Ontario residents.

Will the Treasurer refer him, as well as himself, to page 149 of the basic primer on economics by Samuelson where, in talking about sales and customs tax, it says, "In order of regressiveness, these would probably come first." These are the most unfair kinds of ways to raise taxes out of the public hide.

Would the Treasurer now take this opportunity to stand in this House and say he will not introduce any increase in regressive consumption taxes which hit the poor far harder than they hit the rich?

**Hon. Mr. Grossman:** No budget in this province or in any jurisdiction has ever been made on a day-to-day basis by the Treasurer rising and excluding any particular tax change under any heading. Just so the member does not have the opportunity, which I am sure he will take anyway, of going out as soon as these questions are finished and before his other members ask questions, to announce to the media that the Treasurer refused to exclude the possibility of a retail sales tax increase, let us just make it quite clear that the Treasurer and the government have not contemplated any tax increases of any sort whatsoever.

Therefore, if the member wants to put an implication on that, draw any conclusions from that, it would, with respect, be misleading the public and offering an inaccurate fear to the public, which he should not be doing.

Let me be clear. There is a big difference. The member is asking these questions so he can say, "The Treasurer refused to do the following." I am telling him the Treasurer has not considered anything so when he goes outside he can say, "The Treasurer refused"—

**Mr. Conway:** That is not what the Treasurer said three weeks ago.

**Hon. Mr. Grossman:** I say to the member for Renfrew North we will read the Kitchener-Waterloo Record and see who said what, if he wants to get into who said what a couple of weeks ago.

**Mr. Speaker:** Order.

**Hon. Mr. Grossman:** Let's do it. It would be fun.

**Mr. Rae:** Mr. Speaker, we start from the assumption that both the Kingston Whig-Standard and the Kitchener-Waterloo Record are equally accurate in what they have to say with regard to public statements.

The Treasurer will be aware of a growing consensus from a large number of observers that the economy is in need of continued stimulus through the winter. I was distressed by the answer he gave to the leader of the Liberal Party when he said there were no plans for any tax decreases in his statement tomorrow, since we in our party think some tax decreases are called for and necessary right away.

Is the Treasurer also saying he is not planning any new initiatives with respect to employment this winter and with respect to pension relief and other kinds of layoff relief for younger and older workers who are simply being cast aside by many employers and ignored by the government?

Is he also saying his statement tomorrow will contain nothing with respect to new action and new initiatives for those people who are looking to this government, increasingly forlornly but still looking nevertheless, for some help and assistance in leadership in terms of the economy?

2:20 p.m.

**Hon. Mr. Grossman:** Mr. Speaker, there is nothing the member has not heard before in that I said on October 11 and again last week that tomorrow's statement does not contain announcements of new programs and new initiatives. It is the beginning of a process at the



end of which we will have a budget which I hope will reflect a lot of the goals we all seek.

As the member knows, I have even asked the House leaders to arrange an opportunity for opposition members and government members to review the statement in committee, which I understand will take place in the first week in January. That will be a good opportunity, structured completely to receive input from members of this assembly on budget plans.

With regard to winter projects, it is quite clear that many of the projects begun by this government are now coming into full swing, be they capital works projects, youth employment projects or the young Ontario career program. They are now at the maximum point at which they are creating the jobs they were supposed to create.

Therefore, when the member presumes or wants to say we are not doing anything for winter employment, he must remember the programs that were announced in last spring's budget, the programs that began to be allocated moneys in September, are now creating jobs for the next three or four months. Those programs are now coming on stream and jobs are being filled in those programs every day by young people. We are assessing those programs. We are looking at the Ontario career action program and at the young Ontario career program. We will make sure there is an adequate number of programs to get over the winter period.

I want to finish by making quite clear what our position is. To take one program, in the young Ontario career program which the member has been reading about daily, as we advertise the program, there are vacancies of 5,000 or 10,000 positions our young people will be filling over the next few months so that—

**Mr. Foulds:** Ten thousand jobs in the Canada-Ontario employment development program terminate at the end of December.

**Hon. Mr. Grossman:** He may say it is not enough, but he cannot say we do not have programs with vacancies for young people this winter because we do.

**Mr. Peterson:** Would the minister not agree with me now that an increase in the retail sales tax at this time or the time of his next budget would be offensive in the extreme, calling for a 14 per cent increase in taxation at the same time that he is preaching restraint and holding a number of people to five per cent?

Given the fact that it would raise probably \$560 million to \$600 million less than he paid for

Suncor, money which was wasted, while at the same time his government is rife with waste and mismanagement throughout, would the minister not agree with me that all the examples of waste, mismanagement, abuse, patronage and the money which goes to his friends would destroy any credibility he had in raising taxes at this time?

**Hon. Mr. Grossman:** Let me first say that tomorrow's statement will outline some of the negatives with regard to every tax increase because there is no tax increase one can bring in that does not have some sort of negative effect.

This is why on this side of the House we wanted to bring in a restraint program, and we did. Therefore, I was disappointed to see the members of his party voting against introducing an ability-to-pay concept in the arbitration process. If the member is that concerned about such things as the cost of government, then surely his party should have voted with our party in introducing the ability-to-pay concept into arbitration, which he supported when the bill was introduced.

Might I also say to the member that I have sat here and listened over the past little while, looking across his front row to his Agriculture and Food critic saying we have to spend a lot more on agriculture. I have listened to his Health critic saying hospitals are 10 to 20 per cent underfunded. I have listened to his Education critic talk about the critical need to add a lot more money to the university sector. I can go right across his bench.

Therefore, I say to him he will have the opportunity early in January to tell us all about all the ways he would increase all those costs dramatically by hundreds of millions of dollars and at the same time decrease the deficit, which I know he talks about every time he meets the business community. As well, he can stand up and pontificate how he would not raise taxes. It will be a terrific act.

Interjections.

**Mr. Speaker:** Order.

**Mr. Peterson:** The minister should listen to my colleagues when they talk about advertising, Suncor, powder rooms for his colleagues and all the other accoutrements of power.

**Hon. Mr. Grossman:** How much was the Leader of the Opposition's new office?

**Mr. Peterson:** Come down and check it. It would not have cost as much as a coffee table in the Treasurer's office. Who the heck is he trying



to kid? Stand up and tell me what it is. Don't give me that guff.

**Mr. Speaker:** Order.

### YOUTH EMPLOYMENT

**Mr. Peterson:** Mr. Speaker, let me ask my friend the Treasurer a question about unemployment and opportunities for young people in this province. As he knows, as we all know, the Ontario career action program has been screaming for money. He knows that between \$5 million and \$7 million could be used immediately, roughly what he has dumped into Stormont, Dundas and Glengarry in the last month to try to buy that by-election. That is a side issue, but it is roughly what he has dumped in there. He can find the money if he thinks it will serve his political purpose.

**Mr. Bradley:** That is right. Let us launch the bicentennial again.

**Mr. Peterson:** The Treasurer knows he has the infrastructure in place to use that money to employ immediately some 5,000 young people who are screaming for employment. His response in this House has been that the young Ontario career program will take up some of those people. Does he not realize that OCAP is aimed primarily at those young people who do not have a post-secondary education?

Indeed, the majority of the applicants are in that area, and it is that area where we desperately need jobs at present. He has the infrastructure and the program. Could he find \$5 million or \$7 million immediately, before Christmas, to employ young people and get them back to work in this province?

**Hon. Mr. Grossman:** Mr. Speaker, it must be getting near the end of the session because the same question has been asked twice this week. I am glad we are finishing on Friday.

No matter how many times the Leader of the Opposition asks the question, the answer, not surprisingly, is going to be the same. The young Ontario career program has as many as 10,000 openings. Many of the young people who are waiting for OCAP will be looked after in the young Ontario career program. Nothing is going to be added to the environment out there if we simply top up OCAP, keep young people in a more restrictive program by getting them in OCAP and find out we have not had the young Ontario career program fully subscribed.

I have also made it clear that if we cannot get the young people into the program that more

appropriately suits them, which is the new program, then we will put additional money in OCAP. It will be looked after; it is as simple as that.

**Mr. Peterson:** I want to persuade the Treasurer that time is very much of the essence. He is aware that the young Ontario career program, according to him at the very least and others as well, is aimed primarily at post-secondary graduates who have not found suitable employment. That is his own quote.

He is aware that OCAP appeals essentially to a different market and employs more people younger than 19, while the young Ontario career program caters to 20 and older. I am suggesting to the Treasurer there is a desperate need now and there will not be a transference from one program to the other program for a vast number of young people who are unemployed.

Given the urgency, given that jobs are disappearing now and employers are running away because there has been no action, why could the Treasurer not find it in his heart to respond before Christmas to a very real need? The urgency is severe. We know the phone lines between him and the OCAP offices are humming. Surely he can stand up before the end of this session and announce an extension of that program.

**Hon. Mr. Grossman:** Let me tell the member I have decided it would be appropriate, given all these circumstances, to encourage the sort-out in a more aggressive way because I am distressed that the positions are not being taken up quickly enough in the young Ontario career program.

2:30 p.m.

Therefore, with the resounding applause and support of the member for St. Catharines (Mr. Bradley), I have indicated that the criteria should be altered for the young Ontario career program, so as to begin the qualification age at 15. That will look after all those young people.

**Mr. Foulds:** Mr. Speaker, with 12,000 jobs under the Canada-Ontario employment development program terminating by the end of this December and 20,000 further such jobs terminating by the end of May, and with approximate projections of 15,000 to 17,000 people exhausting their unemployment insurance benefits, can the Treasurer confirm that he is committed to doing absolutely nothing about job creation through new programs this winter?

**Hon. Mr. Grossman:** No, Mr. Speaker, I cannot confirm the rather foolish statement the honourable member just made.

**Mr. Peterson:** Let me understand the Treasurer. Under opposition persuasion, he has now changed the rules of the young Ontario career program so that one can apply down to the age of 15. I congratulate the minister on that. However, he knows there is one other impediment because of the requirement that some post-secondary education is preferable in the circumstances. He also knows about the vast number of young people—at least 55 per cent of those applying for OCAP—who do not have that post-secondary training.

If he is not going to increase the OCAP funding, will the minister consider at least altering the qualifications for the young Ontario career program so that all those eligible for the one program would be eligible for the other? Will the minister consider that? He has moved a little way, and we congratulate him for that, but will he move the rest of the way and make it fair for all our young people, particularly the unemployed, unskilled and untrained young people who are having such a terrible time in our province today?

**Hon. Mr. Grossman:** If the Leader of the Opposition looks at the two programs, with the change we have just indicated, he will see that if we had any concern, it was that the programs are now becoming quite similar. I am convinced this will alleviate most of the problem with regard to access to OCAP.

Might I also say for the record that if the Leader of the Opposition looks back, he will see that from the first day we discussed this, I indicated we were reviewing this circumstance—

**Mr. Bradley:** No. We forced you into it.

**Hon. Mr. Grossman:** The member for St. Catharines can go back to his riding and say that. On this side of the House, we do not care if he does that; we just care that those young people are working.

Interjection.

**Hon. Mr. Grossman:** Yes, the Deputy Premier (Mr. Welch) cares, but his staff have already announced it in St. Catharines. Sorry about that.

In any case, let me be clear that we are assessing the criteria for both programs. This is the first reflection of our study of all that to make sure the spaces are there and people do not lose out because they do not happen to fall in the right bailiwick. There may be further

changes. It could be that if we are not right in saying this will accommodate the problem, there still may be some topping up and some increase to the OCAP budget. They are all going to be looked at.

## CHILD ABUSE

**Mr. Rae:** Mr. Speaker, in the absence of the Premier (Mr. Davis), who, I had been told, was going to be here today but who is not here today, I have a question for the Attorney General arising out of the question I asked him yesterday with respect to the Child Welfare Act and, in particular, the conduct of the Minister of Community and Social Services (Mr. Drea).

The Attorney General will be aware that on the public record of this Legislature, in addition to a number of press reports, there are clear and incontrovertible indications that the Minister of Community and Social Services referred specifically to certain information pertaining to the register, which is known as the child abuse register. He was quoted by the member for Hamilton Centre (Ms. Copps) as saying outside the House: "It is not something you did by remote control. In this particular case in Hamilton, come on, she watched." I am quoting from page 1420-2 of Instant Hansard for yesterday.

Upon being pressed by the member for Hamilton Centre and after the woman was named by the member for Hamilton Centre, the Minister of Community and Social Services, after initially saying he was not going to comment on the case, went on to say: "I am going to tell the members a little bit about this case, and I really do not want to." I am again quoting from the record. "There are an abundant number of reasons why that woman is on the child abuse registry, one of which is she was in proximity while the sexual abuse took place by her boyfriend. There are other charges and other allegations against this mother. I hope the honourable member is not going to make me read what she did to the child."

**Mr. Speaker:** Now for the question, please.

**Mr. Rae:** Those things have to be on the record, Mr. Speaker. I would like to ask the Attorney General, given the clear wording of subsection 52(4) of the Child Welfare Act, which clearly states that information contained on the child abuse registry is not to be disclosed or transmitted subject to very specific exception, what does the Attorney General intend to do about the conduct of his colleague the Minister of Community and Social Services?

**Hon. Mr. McMurtry:** Mr. Speaker, I indicated to the leader of the New Democratic Party yesterday I was going to look into the matter. When we have reviewed the matter in its entirety, we will report to the Legislature. I do not intend to deal with this matter on a piecemeal basis.

**Mr. Rae:** We are not asking it be done on a piecemeal basis; we are asking that the government of this province come clean with respect to an action by one of its ministers that is absolutely deplorable.

**Mr. Speaker:** Question, please.

**Mr. Rae:** Given that minister's obligation to maintain under the statute all the provisions of that statute, how can the Attorney General not have made inquiries with respect to what has happened? The Minister of Community and Social Services is reported in today's Globe and Mail as being asked what his source of information was. He would only reply, "I have access to records. I'm on solid ground, and that's all I'm going to say."

Does the Attorney General condone the fact that the Minister of Community and Social Services had access to those records? Does he condone the fact that he disclosed in this House and outside this place information which was on those records? Does he condone those two things?

**Hon. Mr. McMurtry:** I can only repeat what I said before. When I have a complete report on the matter, I will be reporting back to the Legislature. I do not have a complete report on the matter as of this time. I have not had an opportunity to review all the matters that obviously are relevant and of concern to the member.

**Ms. Copps:** Mr. Speaker, I am glad the leader of the third party has had a chance to read correctly section 52 under discussion because the allegations made yesterday vis-à-vis my involvement and the involvement of the constituent are clearly subject.

**Mr. Speaker:** Question, please.

**Ms. Copps:** Mr. Speaker, I think it is part and parcel of the question. The Child Welfare Act specifically states that a person cannot reveal information gleaned from the child abuse register. Since neither the constituent involved nor I has ever seen the child abuse register, obviously we are not subject. I am glad the leader of the third party has finally got his legal information correct today.

Interjections.

**Mr. Speaker:** Order.

**Ms. Copps:** The question I would ask the Attorney General relates to the issue I raised with his colleague yesterday, that his information and the information he directed to me in his letter of last August was in direct contradiction to the information placed on the record outside this House by his colleague the Minister of Community and Social Services.

Would the minister clarify his letter to me? Is the information he gave in his letter to me correct or is the statement made by the Minister of Community and Social Services correct? Obviously, they are contradictory. Which is correct?

**Hon. Mr. McMurtry:** Mr. Speaker, I do not accept that description given by the member for Hamilton Centre. I wrote to her in response to an inquiry in relation to a sentence, as she well knows, in respect to a plea of guilty. I indicated to her in that letter, and my information has not changed, that there was no admissible evidence in relation to any witness to what had occurred in this very unhappy event.

As the member knows, there is only a statement attributed to the accused, the admissibility of which was highly questionable. The information, as I had it, was that there was no evidence admissible in these criminal proceedings in so far as there being a witness to this purported assault was concerned. I have not received any information since my letter to her to suggest otherwise.

**Mr. Rae:** Mr. Speaker, the minister may be aware that in August there was a report to the Deputy Minister of Community and Social Services with respect to the conduct of an alderman in the city of Sarnia.

2:40 p.m.

The alderman, among other things, was found to have discussed confidential matters in public. He was also found to have violated the policy on confidentiality by mentioning on the air the name of a ward of the children's aid society.

Upon release of this report, the Minister of Community and Social Services stated that because of these and other problems, he ordered the Sarnia city council to dismiss the Sarnia alderman from the society's board of directors or, "Mr. Drea said"—I am quoting from the Toronto Star—"she would be removed by the provincial government."

Can the minister tell us why what is justice for this alderman in Sarnia should not also be justice for the Minister of Community and Social Services?



**Hon. Mr. McMurtry:** Mr. Speaker, I have nothing to add to my previous answer.

### HYDRO EXPORTS

**Mr. Rae:** Mr. Speaker, I have a question for the Minister of Energy. It concerns the mounting speculation and reports that there is increased interest at the federal level, in particular from Atomic Energy Control Ltd., to create a Canadian electricity trading company which would be based principally in Ontario and whose business would be to construct nuclear plants exclusively for export to the American market. Is the minister aware of any discussions between either his ministry or Ontario Hydro with AECL and other federal officials about this proposal? Can he tell us the position of the government with respect to this proposal?

**Hon. Mr. Andrewes:** Mr. Speaker, I am not aware of any discussions within my own ministry. I understand AECL has made some preliminary overtures to Ontario Hydro on this subject, but I am not aware that Ontario Hydro has advanced the discussions beyond the very preliminary stage.

**Mr. Rae:** If that is true, I want to ask the minister how is it possible that in August 1982 a report from the federal Department of Energy, Mines and Resources, entitled *Nuclear Industry Review, Problems and Prospects 1981-2000*, stated:

"Another possibility which could lead to some early commitment for new nuclear capacity in Ontario is construction of plants for the export of electricity. The provincial government has shown some support for this idea if suitable markets can be developed."

If there have been no discussions and Ontario Hydro is not involved, how is it possible that the government of Canada has received the distinct impression that the provincial government has shown some support for the idea of building more nuclear stations exclusively for export to the American market?

**Hon. Mr. Andrewes:** Not having had the benefit of a full review of that report, it is difficult for me to comment on its content. Ontario Hydro continues to look for opportunities to export electrical energy to the United States, if such opportunities are available to them, to reduce the rates that Ontario consumers would be paying.

**Mr. J. A. Reed:** Mr. Speaker, is the minister made privy to discussions such as this on an ongoing basis? If any contracts were struck

between such an agency in Canada and such a receiver in the United States, would the minister insist on seeing the contracts and knowing their contents, or would he be placed in exactly the same position he was in over the Petrosar oil contract, which the minister has not seen or even been allowed to look at by Ontario Hydro?

**Hon. Mr. Andrewes:** Mr. Speaker, I am not sure of the relevancy of the honourable member's question to the question posed by the leader of the third party. If such contracts were undertaken, I would be delighted to bring the House up to date on them if those discussions ever reached that stage.

**Mr. Rae:** Mr. Belaire, who is the director of corporate planning for AECL, is quoted as saying that he has been meeting with Ontario Hydro about this idea. We understand there have been some meetings with Ontario Hydro.

Given the fact that one of the developments in terms of the proposed construction of the new Hydro lines, both in southwest and eastern Ontario, and the construction of Darlington itself, has to do with improving Ontario Hydro's export capacity, does the minister not see a contradiction in Ontario Hydro and the government of Ontario supporting a station exclusively for export when that is going to be running in direct competition with other Ontario Hydro facilities?

**Hon. Mr. Andrewes:** I can only repeat that where there are export opportunities for Ontario Hydro's capacity to generate electricity, Ontario Hydro will pursue those opportunities because they are in the best interests of this province.

### BICENTENNIAL APPOINTMENT

**Mr. Cunningham:** Mr. Speaker, before I pose a question to the Deputy Premier in the absence of the Premier (Mr. Davis), I know all members will join with me in welcoming the hard-working mayor of Hamilton, who is seated in the east gallery. I assume he is here today to collect the \$1.5 million outstanding on the arena and trade centre in Hamilton.

My question relates to the Progressive Conservative Ontario bicentennial employment program. More specifically, I am referring to the Premier's appointment of one Fred Ross, otherwise affectionately known as Mr. Sally Barnes, to the position of director general of the Ontario bicentennial. Was this position advertised? How many applicants did we interview before we found our way to Mr. Ross?

**Hon. Mr. Welch:** Mr. Speaker, I am sure that information will be available. I should point out to the honourable member that a number of people connected with the bicentennial have been seconded from various ministries. A number of the staff involved in the promotion and the detailed work have been seconded from other ministries. Once their assignments are completed, they are returned to those ministries.

As I understand it, Mr. Ross has been with the Ministry of Government Services. No doubt his talents have been recognized. He will now have the broader responsibility of capturing something of the excitement and optimism of the people of Ontario as they prepare to celebrate 1984. In discharging his responsibilities, Mr. Ross will underline those traditions and values that have gone into the building of Ontario, the contribution that has been made by people from many lands to and the building of the human resources of this part of Canada. He will capture something of the energy that will electrify this whole province. I think he is a very good choice, and I am sure my colleagues will agree.

**Mr. Cunningham:** I am mindful of the message left by the member for Ottawa South (Mr. Bennett) and the member for Muskoka (Mr. F. S. Miller) on the subject of this nonpartisan, political, illegitimate, partisan, pre-election Tory birthday bash. What are we paying Mr. Ross to be the director general of this program? What is the cost of Mr. Ross's services to us?

**Hon. Mr. Welch:** I assume Mr. Ross's salary will be the same as he is making now as a member of the classified service of the Ministry of Government Services. That information is readily available, and we will share it with the member.

However, I think the preamble does require a bit of attention. There are thousands of people in this province who are proud of their roots and proud of the opportunity to join in programs for the bicentennial. More than 700 municipalities have now applied for their grants. A great history is being written by the Ministry of Education.

One realizes there will be opportunities all over this province, not the least of which will be in that great town of Niagara-on-the-Lake, the very first capital of Upper Canada, where it all began and where, two years ago, they had an opportunity to enjoy it. It is about time we went on the record to say that people like the member seem to be ashamed of our heritage. We are not.

**Mr. Martel:** Are you in the Shaw Festival? If not, you should be.

**Mr. Speaker:** I am glad you said that rather than I.

2:50 p.m.

## SCHOOL FACILITIES

**Mr. Foulds:** Mr. Speaker, I have a question for the Minister of Education.

Interjections.

**Mr. Speaker:** Order.

**Mr. Foulds:** I have a question for the Minister of Education.

**Mr. Speaker:** Yes, I had heard that part.

**Mr. Foulds:** I wonder whether the Minister of Education has had an opportunity to review the public institutions inspection panel report on the Fourway Public School, which is five miles west of Sistonon's Corners, in the district of the Lakehead Board of Education, which I assume the Attorney General (Mr. McMurtry) has received and passed on to her. The report says, among other things:

"The panel advises that something must be done immediately about this school and its portables. We found it to be a health hazard and not conducive to learning. The circular portable class has many problems. The circulation of air is terrible. The heating is not sufficient. There is a problem with the floor. If a fire started in the main hallway, it would be impossible to get out. Mice seem to be a big problem. There are only two washrooms at the main entrance" and so on.

Has the minister had a chance to review that report? Will she make a commitment that there will be a joint team of local Ministry of Education officials along with the Lakehead Board of Education to give full funding to the extent necessary to provide the community school that the people of Kaministiquia and area have been fighting for 11 or 12 years to get?

**Hon. Miss Stephenson:** Mr. Speaker, to my knowledge, that report has not as yet reached the Ministry of Education. However, I remind the honourable member that the responsibility for providing school facilities within a board jurisdiction is solely that of the board of education. The board of education must determine its priorities, and on the basis of that listing of priorities, the Ministry of Education is pleased to be of whatever assistance it can in providing school facilities. If it is the first priority of the

Lakehead board, undoubtedly it will be considered seriously.

**Mr. Foulds:** Can the minister then explain why in the past her ministry refused to fund the consolidated MacDonald Fourway school proposal, which was on the top of the Lakehead Board of Education's priorities for several years, and why it had apparently approved this priority in principle but had not approved the funding? When the need is so great and so immediate and these people are obviously trying to make do in substandard conditions, will she make a commitment not only to put it at the top of her area priority list but also to fund it fully so they can start to rebuild the school this coming fall?

**Hon. Miss Stephenson:** The philosophy of educational responsibility in this province designates very specifically that it is the local board, which is composed of local citizens who have a day-to-day understanding of the needs within their jurisdiction, that will make that determination.

**Mr. Foulds:** They had it at the top of their list and you bumped it down.

**Mr. Speaker:** Order.

**Hon. Miss Stephenson:** I have said very clearly that if it is the first priority of that board, it will be seriously considered. I remind the member, as I have reminded him in the past, that for the past several years, 91 per cent of all of our capital dollars have gone to build schools for students who had no place to go to school—

**Mr. Foulds:** These kids might as well have no place. The condition it is in is disgraceful.

**Mr. Speaker:** Order.

**Hon. Miss Stephenson:** —and the remainder has been devoted to the improvement of school buildings where there is a fire or health hazard. If these are concerns of that board, they will be seriously considered.

#### BOUNDARY DISPUTE

**Mr. T. P. Reid:** Mr. Speaker, I have a question for the Minister of Natural Resources in regard to the boundary dispute between Ontario, Minnesota, the Canadian federal government and the federal government of the United States.

The minister is no doubt aware that this summer there have been problems on Lac La Croix, on both sides of the international boundary, in regard to officials of Minnesota stopping power boats on that waterway, charging and

seizing equipment. I gather that in one case a gun was pulled and waved around.

I would like to ask the minister what Ontario's position is with regard to the banning of motorboats on the American side of the boundary water. What is Ontario's response to the Canadian federal government on the position Ontario has taken or is going to take in this matter, given the fact that Canada apparently feels that both sides, Ontario and Minnesota, are incorrect in their reading of the Webster-Ashburton boundary treaty?

**Hon. Mr. Pope:** Mr. Speaker, the position we are taking at present is that the federal government is entitled to its opinion and we will try to work on a solution directly with the state of Minnesota. We hope this will resolve the difficulties that have been experienced over the past summer.

**Mr. T. P. Reid:** Can the minister explain why the Department of External Affairs has decided both sides are in error in this matter and why Fasken and Calvin, a reputable law firm in Toronto, has suggested the same thing? Now that the senior levels of government in Canada and the United States are involved in this, is the minister saying he expects he is going to resolve this matter by negotiations with the state of Minnesota only? If so, can he tell us where, when and how?

**Hon. Mr. Pope:** I have no quarrel with the abilities of Fasken and Calvin, having articulated there, but I do understand the position of the Department of External Affairs and its attempt, for many other reasons, to negotiate directly with the federal government of the United States with respect to the Webster-Ashburton Treaty.

In the meantime, while those negotiations are going on, whatever may be the conclusions, we have a difficulty and the difficulty has to be resolved at least on an interim basis in discussions between the state of Minnesota and Ontario. I have given instructions to our employees to try to negotiate a settlement to this particular issue, along with a few others that are on the burner between Minnesota and Ontario, on a direct basis, keeping the federal government and the Department of External Affairs notified of what we are doing.

#### APPOINTMENTS AT NIAGARA COLLEGE

**Mr. Allen:** Mr. Speaker, I have a question for the Minister of Colleges and Universities with respect to an unhappy state of affairs which



exists at the Niagara College of Applied Arts and Technology, where 82 per cent of the faculty have supported a want of confidence motion in the administration of that institution in a well-conducted referendum in which 71 per cent responded.

I wonder whether the minister is aware that the nub of the issue appears to centre upon appointments made in August 1979 and afterwards without advertisement of the positions, thus contravening the college board document on terms of employment, section 1, number 7, and, in particular, upon the appointment of a close associate of the president done in the same manner, who has since been promoted through the creation again of unadvertised positions to the position of executive director of education and student services and who has become, it would appear from some evidence, a virtual surrogate for the president.

In the wake of that state of affairs, is the minister aware of the state of morale which has overtaken that institution and a pattern, apparently, of intimidating administration, arbitrary cancellation of programs and inordinate expansion of administrative components as against teaching components?

The faculty has appealed to the minister and, in deference to the board, she has not responded. An impasse has developed there between the faculty and the board itself.

**Mr. Speaker:** Question, please.

**Mr. Allen:** Is it not time the minister responded to the deteriorating pattern of relationships in that institution and halt what appears to be, in any case, a pattern of creeping nepotism or favouritism in appointments there?

**Hon. Miss Stephenson:** Mr. Speaker, unless the honourable member subscribes to the university definition that once is an occasion and twice is a tradition, I suggest that creeping nepotism is scarcely the description of this activity.

**Mr. T. P. Reid:** The minister got that from the member for Brock (Mr. Welch).

**Hon. Miss Stephenson:** No, I did not; he got it from me.

**Mr. Speaker:** Order.

3 p.m.

**Hon. Miss Stephenson:** None the less, it is scarcely the description of this activity. I have received at least three communications that I am aware of from the faculty association at Niagara. I have explained, I think patiently and

clearly to them on each occasion, that this is a matter to be dealt with by the board of governors of that institution and it is my understanding that is precisely what is happening.

I think at this point it would be entirely inappropriate for any intervention from outside beyond that which has already been carried out by the chairman of the Council of Regents in counselling the board of governors of that institution.

**Mr. Allen:** The minister may suggest that is happening, but that is precisely what is not happening.

**Mr. Speaker:** Question, please.

**Mr. Allen:** There is no resolution to that situation developing and in fact the board itself is party to it. The chairman himself said the college—

**Mr. Speaker:** Question, please.

**Mr. Allen:** —made an error in judgement in expediting the hiring by not advertising. Where a board does that I wonder where the minister's judgement is? The chairman of the Council of Regents dismisses the issues and says Niagara is a well-run college, but 82 per cent of the faculty voted against the administration. Does the minister agree that is evidence of a well-run college, when 82 per cent of a faculty are without confidence in the administration?

Is she correct when she suggests, as she has to the faculty, that she has no jurisdiction, when the act specifically states in subsection 5(1), "Subject to the approval of the Lieutenant Governor in Council the minister may establish, name, maintain, conduct and govern colleges of applied arts and technology that offer programs of instruction"? The act goes on to have all sorts of phrases about "subject to the approval of; the minister may; the minister shall." She has plenty of authority.

Will the minister not now move expeditiously to establish an independent inquiry into the affairs of Niagara College to get to the root of the present problem and to assure herself, the regents and this House that the institution is being well run and can deliver the important educational mandate with which it is charged?

**Hon. Miss Stephenson:** On the basis of the careful examination of the administration of Niagara College which has been carried out by the Council of Regents, as it does with all of the colleges on a regular basis, it is my understanding that the council believes the college is being extremely well run. On the basis of one circumstance which is of irritating note to members of

faculty, I do not believe I should at this point move to take that college under trusteeship, which is indeed what the honourable member is suggesting.

It is my understanding directly from the chairman of the board of governors of Niagara College this week that, indeed, the matter is being dealt with.

**Mr. Allen:** Mr. Speaker, on a point of personal privilege: I did not use the word "trusteeship" myself, I suggested a discreet, independent inquiry, which is quite a different matter. The minister knows there is a great deal of difference between those two terms.

**Mr. Speaker:** Thank you.

### ACTIVITIES OF POLICE

**Mr. Sargent:** Mr. Speaker, at the outset of this question I would like to establish the fact that individually every member of the government is a decent guy. What I am talking about in this question is a system that has come upon us that is of great concern to a lot of people.

The Human Rights Code we passed has many provisions and most of them start with the words "all citizens" and say "everyone shall have equal treatment." Does anyone here for one moment believe the Gestapo-like tactics of the Ontario Provincial Police would break down the door of the Attorney General (Mr. McMurtry) or the Solicitor General (Mr. G. W. Taylor) to gain entrance, especially to collect money for the Bank of Montreal or the Royal Bank of Canada?

**Mr. Speaker:** Question, please.

**Mr. Sargent:** We are sick and tired of being sick and tired of the Royal Canadian Mounted Police and the OPP collecting money for the banks. Yesterday, five squads of five OPP men each, set out early in the morning to ransack the homes of three members of the Canadian Farmers' Survival Association and the homes of the parents of one and a sister of another. They arrived at the Bothwell home at 8 a.m. and broke the glass and broke in the door to gain entrance—

**Mr. Speaker:** Question, please.

**Mr. Sargent:** —when Mrs. Bothwell was trying to dress her three children. The police were not in uniform. They totally ransacked the McKinnon home and emptied every drawer in the house except the one with the underwear of the wife.

**Mr. Speaker:** Will the member please place his question?

**Mr. Sargent:** Will the Solicitor General tell

this House and the farmers of Ontario that he will put a stop to the OPP collecting money for the banks? Will he tell this House how there can be breaking and entering, and search and seizure, when it has not been proved in the civil courts that anything is owed? Can he tell us that?

**Hon. G. W. Taylor:** Mr. Speaker, I have heard the words used by the member. I take offence at the words and the description he has used. The force, the Ontario Provincial Police, has provided service and next year will be its 75th year of service to Ontario. It has carried out its function in this matter in accordance with the laws of this province and this country.

The member's description of how it has been carried out may be his interpretation. I do not have that interpretation. I believe when he uses the word "Gestapo" he is definitely insulting the carrying out of the duties of the Ontario Provincial Police.

They are investigating a situation. They were conducting the investigation using the search warrants provided by the judicial procedures of this province. In some situations, and I do not want to go into all the details or the facts, his position will be different from the definition I have received as to the facts. I believe the Ontario Provincial Police has conducted itself in this matter in a judicial and proper manner.

**Mr. Sargent:** My advice to the minister is that search warrants are issued only on the order of a judge and only on criminal matters. Can the minister tell the House about the machinery that puts the OPP into the collection business? Can he tell us he will immediately get out of bed with the banks, write a letter of apology to these fine people and pay for the damage he has done? I want those answers right now.

**Hon. G. W. Taylor:** This is not a civil matter. The Ontario Provincial Police are not acting on behalf of any bank or the banks as the member has indicated. They are carrying out their duties in a criminal investigation. They are carrying out their duties under the judicial search warrant that has been provided to them in the usual process.

If there has been any damage carried out to the properties, they will clean up after, as they usually do in all these matters. I am sure the member would like to retract any of the statements he has made about the provincial police in this matter.

**Mr. Swart:** Mr. Speaker, in view of the suspicion of some harassment of the farm

survival group, and in view of the fact there appears to have been some special consideration given to the banks, could the Solicitor General make a full report to the House on this matter?

**Hon. G. W. Taylor:** Mr. Speaker, I can indicate to the honourable members as much as is possible in regard to what has taken place. There is an ongoing investigation. If I have the information by the next sitting of this Legislature, I can give them that information.

I would challenge the member opposite that we are not harassing. The Ontario Provincial Police is not harassing anybody. They are carrying out an investigation on the facts they have at this time.

**Mr. Sargent:** A judge is the only one who can issue a search warrant, and a justice of the peace signed these warrants.

**Mr. Speaker:** Order. The member for Grey-Bruce will please resume his seat.

3:10 p.m.

#### ASSISTED HOUSING

**Mr. Philip:** Mr. Speaker, I have a question for the Minister of Municipal Affairs and Housing. Is he aware that because of the insensitive and bureaucratic procedures outlined in the Ontario Housing Corp. field manual on administrative procedures, single-parent families who do not have final custody of their children cannot be granted geared-to-income housing in this province?

Is he aware that one halfway house alone, one city interval house, has six examples of women and children who cannot be accommodated because his government does not want to give the women accommodation since they do not have final custody of their children?

**Hon. Mr. Bennett:** Mr. Speaker, I must admit I am not aware of the six cases referred to, but I shall examine it.

**Mr. Philip:** When the minister is examining it, would he find out how many families are affected by this? Would he also take into consideration that it can take as long as two to five years to get final custody if it is contested, and that families like this should not be put out on the street out of sheer bureaucratic considerations by Ontario Housing Corp. as outlined in its field manual?

**Hon. Mr. Bennett:** As I said, I shall review the situation and try to find out through some source of information the number that might fall within this category. As to the portion of the

question that relates to the period of time one takes to get custody, obviously that does not fall within the responsibility of the Ministry of Municipal Affairs and Housing.

#### EXTRA BILLING

**Mr. Peterson:** Mr. Speaker, I have a question for the Deputy Premier. I have just received notice this moment of a Canadian Press wire story saying, "The Progressive Conservatives will support the new medicare legislation introduced this week by Health Minister Monique Bégin, says Tory Health critic Jake Epp."

In view of the fact that the minister and the Ontario Tory party are becoming increasingly isolated in their support of extra billing, and in view of the fact that his federal colleagues now support the federal financial penalties which will presumably be exacted against this province unless he and his government amend the legislation with respect to opting out, will he now as the Deputy Premier and the second most important politician in this province use his good offices to try to persuade his colleagues and the ministers involved that opting out and user fees must end in this province?

**Hon. Mr. Welch:** Mr. Speaker, as a careful listener in this House, it seems to me from the questions directed to my colleagues on this question—I refer to questions directed to the Minister of Health (Mr. Norton), the Treasurer (Mr. Grossman) and others—that the position of this government at the moment is that we want an opportunity to study the legislation and to reflect upon the implications. The first minister of this jurisdiction has already dispatched a letter to the Prime Minister of Canada indicating a desire on his part to enter into and emphasize consultation.

I think the position of this government will be made known in due course following an opportunity carefully and thoroughly to review the implications of this legislation. I do not think Ontario has ever been hesitant to take a position once it had all the facts. As the Treasurer and the Minister of Health have said on more than one occasion, Ontario would want to continue to maintain the first-class medicare system it has. It will want to maintain that position. The whole point is wanting to make sure we know all the implications of that legislation.

#### PETITION

#### METRICATION

**Mr. Sargent:** Mr. Speaker, I have a petition.



"We, the undersigned, recognizing that the government of Ontario has been a strong supporter of and participant in mandatory metric, urge this same government to follow the common-sense lead of Nova Scotia and return Ontario's highways to Canadian imperial measures."

It is signed by 100 Ontario citizens.

## REPORT

### STANDING COMMITTEE ON PUBLIC ACCOUNTS

Mr. Reid from the standing committee on public accounts presented the committee's annual report and moved its adoption.

**Mr. T. P. Reid:** Mr. Speaker, this is the annual report on the deliberations of the public accounts committee. As the members understand, all three parties are represented on the committee and the report reflects that kind of bias. There is a dissenting report contained within the public accounts committee this year. While we have not made extensive recommendations, we believe that the material contained within the report speaks for itself.

On motion by Mr. T. P. Reid, the debate was adjourned.

## INTRODUCTION OF BILL

### LAND REGISTRATION REFORM ACT

Hon. Mr. Elgie moved, seconded by Hon. Mr. Baetz, first reading of Bill 156, An Act respecting Conveyancing Documents and Procedures and the Recording of Title to Real Property.

Motion agreed to.

**Hon. Mr. Elgie:** Mr. Speaker, I am pleased to introduce for first reading the Land Registration Reform Act, 1983. My ministry has been concerned with updating one of Ontario's oldest institutions, the land registration system.

This province has regulated the registration and protection of land interests since 1795. In 1971, the Ontario Law Reform Commission produced a report which outlined a far-reaching program of improvements. To implement these recommendations, the province of Ontario land registration and information system, otherwise called Polaris, was established in 1980. The Land Registration Reform Act, 1983, which I am introducing today for first reading, would authorize those proposals.

The act would authorize both the computerization of record keeping and property mapping and would introduce the use of shorter standardized documents for land transactions.

It would also amend existing land registration statutes and other acts which would affect real property dealings to accommodate the proposed changes.

To test these changes, a prototype office has been established in Oxford county in the city of Woodstock. When the system has been proven, through monitoring and modification if necessary, it would be systematically introduced in all registration offices in Ontario.

Changes already made to the registration system by Polaris have been well received by users. The Land Registration Reform Act, 1983, which I am introducing today for first reading, would further simplify the operation of the system and would reduce the work load for both staff and clients.

## ORDERS OF THE DAY

### GOVERNMENT SPENDING

**Hon. Mr. Wells:** Mr. Speaker, we have agreed to split the time three ways on this. Could the table keep track of the time?

**Mr. Rae:** Mr. Speaker, I naturally appreciate the opportunity to move a motion of no confidence in the government.

Mr. Rae moved motion 36 under standing order 63(a):

That this House condemns the government for its failure to manage, invest and spend effectively the money entrusted to it and for its inaction in the face of the dramatic contrast between the waste and extravagance found at the highest levels of government and unemployment and hardship facing hundreds of thousands of people in Ontario;

And that this House condemns in particular the government's refusal to account fully and publicly for its spending, and its failure to spend public money prudently, in such instances as the following:

The obvious neglect by the cabinet of its responsibility to ensure financial prudence as witnessed by the refusal of the Chairman of Management Board or any other minister to take responsibility for ensuring that the government's own Manual of Administration is being followed;

The government's support for the privatization of hospital services, hospital management and other health services to 'for-profit' corporations and merchants of care, a practice which drains scarce public funds into private profits and curtails public accountability for the expenditure of public funds involved;

The commitment of the government to the private-profit model for nursing home care, its refusal to take clear steps towards a nonprofit model for long-term care, and its refusal to require a full public accounting of their expenditures by all nursing home operators;

The uncontrolled growth of taxpayer-paid government advertising which has made the government of Ontario the sixth largest advertiser in the country, spending over \$23 million on major media advertising alone;

The government's repeated refusal to agree to an ongoing thorough legislative review of all aspects of Ontario Hydro's performance in the absence of any public forum in which Hydro's capital expenditure plans can be scrutinized;

The government's commitment to the completion of the Darlington nuclear generating station in the face of growing evidence that it is not needed and widespread concerns about the vulnerability of a 70 per cent nuclear system;

The government's blatant refusal to release information concerning the management of Ontario's forests at a time when the future of this resource is of such public importance;

And that for these reasons the government now lacks the confidence of this House.

3:20 p.m.

**Mr. Speaker:** Would the honourable member please name his seconder?

**Mr. McClellan:** He did.

**Mr. Rae:** Mr. Foulds.

**Mr. Speaker:** I am sorry. I missed that.

**Mr. Rae:** Mr. Speaker, perhaps I should say that the theme of my remarks comes from two very different sources. The first is Lord Acton. As the members well know—

**Mr. Nixon:** What an erudite beginning to the debate. Just like Westminster.

**Mr. Rae:** I expect he was quoted even last night, as the member for Brant-Oxford-Norfolk heard at the banquet. Lord Acton said, "Power tends to corrupt and absolute power corrupts absolutely."

My second source of inspiration is fairly different from Lord Acton. It is Ma Murray, who said, if I may transcribe what she said into the language of the Legislature, something to this effect, "Governments are like socks. If you don't change them, they start to smell after a while."

I think this is what has begun to happen to the Tory government in this province. The habit of power has become the abuse of power. The

habit of governing has developed into the abuse of governing. The habit of unaccountability and the habit of wasteful and extravagant expenditure at the same time that hundreds of thousands of Ontarians are expected to do without jobs, without income security and without decent incomes has become an abuse of the political process itself.

This motion covers a number of areas, but they are all covered by the general subject of trusteeship. As I understand it, trusteeship and stewardship are what government is all about. Government has a sacred trust with the people in a democracy to manage public funds wisely, carefully and frugally. It also has an obligation to invest and spend effectively the money entrusted to it.

I was brought up on the assumption that if there is one thing the Tory government in this province knew how to do, it was to manage the province effectively. If there is any notion that has been shattered in the last number of years by the passage of time and by the number of events that have occurred, it is the idea that the Tories are good managers. In fact, a very uncharitable observer said to me the other day there were almost as many zeros in Ontario Hydro's deficit as there were in the Tory cabinet. Who was I to disagree with that pungent assessment of exactly what has gone wrong in terms of the management of the affairs of this province?

I would like to point out that the motion before us has several points that are, I believe, very closely and carefully related. The first point has to do with the consistent refusal of the Chairman of Management Board (Mr. McCague), the minister who is supposed to be responsible for the expenditure of public funds, to answer in this House when breaches of the Manual of Administration have taken place.

It has to do with the fact that we do not have a system of financial accountability in this Legislature, any more than exists in the House of Commons in Ottawa, with respect to the expenditure of literally billions of dollars in public funds, a system of accountability that would allow members of the Legislature, the public and the press to have full and complete access to information on government spending and to have a sense that there is someone in charge, someone who will take responsibility for mistakes when they have happened, someone who is prepared to answer in this Legislature when something has gone wrong.

I noticed the Leader of the Opposition (Mr. Peterson) reading from an economics textbook



this morning. I suppose it is a classic of political science textbooks. I would suggest that a political science textbook would tell us that one of the bases of parliamentary democracy is the notion of ministerial responsibility.

The events over the last two months have made a mockery of the notion of ministerial responsibility. We have had a minister, the Provincial Secretary for Justice (Mr. Walker), about whom, when he was Minister of Industry and Trade, there were serious allegations and disclosures with respect to contracts he offered without putting them up for public tender, both in the speechwriting field and in the field of wider industrial consulting with respect to the management of these tech centres across the province, who has not once taken responsibility for that mistake, if mistake it be.

He has chosen not to appear before the public accounts committee; he has made no statement in this House with respect to his activities; and there has been no opportunity for members of this Legislature to get at this minister and find out the substance and truth of what took place. That is being left to some other body; it is being left to some other world.

We had the farce of my colleague the member for Port Arthur (Mr. Foulds) putting a question with respect to the Manual of Administration very directly to the Chairman of Management Board the day after these contracts were disclosed, the minister saying he was going to look into it and then the matter being buried for a time. While that was happening, the whole question was referred to the public accounts committee because there were motions by the member for Wentworth North (Mr. Cunningham), by my colleague the member for Etobicoke (Mr. Philip) and by the member for Algoma (Mr. Wildman) with respect to the activities of this minister and the Manual of Administration.

I am delighted to see the member for Lakeshore (Mr. Kolyin) in the House this afternoon because, when he was in the public accounts committee, he delivered himself of a textual analysis, if you will, of this problem. It was a well-honed text. I do not know whether he wrote it himself or not, but it was certainly a well-developed series of arguments. Paragraph flowed after paragraph. What was the thrust of his remarks? The public accounts committee could not deal with that question because it was being looked into by the Chairman of Management Board.

Then we have the question coming back to this Legislature just a few short days later. What does the Chairman of Management Board say in

this House? He says: "It is not a matter I can deal with. It is a matter for the public accounts committee; it is a matter for the auditor to deal with. It is not a matter for me to deal with."

We have been given the runaround here something fierce. I think it is time this House expressed itself in no uncertain terms as to how it feels. I call on members of the Tory party who are not ministers to express themselves fully and freely as to how they feel about the fact that ministers are not responding to questions from representatives of taxpayers about the misallocation and the misspending that have gone on, spending that has not been subject to public tender, spending that has not been subject to the kind of scrutiny and review that is supposed to be protected by the Manual of Administration.

**3:30 p.m.**

When the Provincial Auditor of this province, just as the Auditor General in Ottawa did a few short days ago with respect to the Liberal government there, expresses basic concern about the ability of this Legislature to gain control over public spending and to control the spending plans and patterns of crown corporations, those views should be heeded by every member of this Legislature. Instead we have seen, from the government, evasion, excuses and suggestions to send it to committee.

They give us the double shuffle in the committee and in the House. Ministers refuse to answer questions. They say they are not going to deal with them. The Chairman of Management Board says it is not his responsibility to enforce the Manual of Administration. If it is not the responsibility of the Chairman of Management Board to enforce the Manual of Administration, whose responsibility is it? If the the Chairman of Management Board, who is in charge of the public purse and the expenditure of government money, is not responsible for that, then who is?

The only minister who has been hung out to dry by the Tory party with respect to the misallocation of funds is the one minister who had the courage to speak up about goings-on within his own ministry. The one individual who has been hung out to dry and made a symbol by the Tory party of this province is the former Minister of Government Services, the member for Lanark (Mr. Wiseman). Why? Because he dared to defy the network of deputy ministers and that tight little network of friendship within the Premier's own office when he started raising questions about the way in which contracts were being allocated without tender.



That is the symbol the government has chosen to leave out. It was not those ministers who have let contracts to their friends, buddies and pals in the patronage-ridden system that has kept this government alive for 40 years. It was not any one of those individuals who have seen their friends grow fat, sleek, complacent and corpulent as a result of being at the public trough for 40 years. No. The one man who had the courage to speak out and say something was going wrong, that he as minister could not approve of, and that he as minister was not even aware of, is the one minister who has been left out to dry by the government of the Premier. That is a symbol the government is eventually going to regret.

**Mr. Nixon:** Tomorrow.

**Mr. Rae:** I have no idea what is going to happen tomorrow and neither does the former Leader of the Opposition, now the House leader.

**An hon. member:** The real leader.

**Mr. Rae:** The real leader. Nixon now, Nixon then, Nixon when, Nixon how.

That is the first point in the indictment that has to be made. This is a government that likes to pretend it is tight, lean and close to the people. However, when we get one minister who is lean and wants to be close to the people in terms of the allocation of contracts, out the window he goes. That is Tory restraint. Shoot the messenger.

The problem is not simply one of the allocation of contracts or of patronage, although those are phenomena that those of us who have been observers of the Liberal scene in Ottawa and the Tory scene in Queen's Park know full well. The twins of patronage and the public trough are the Liberals and Tories who have been in government for so long in Ottawa and Toronto. When the people of this province decide they are going to throw out the Tories here, they will not let the Liberals in this province do to them what the Liberals in government in Ottawa have been doing. I can assure the House of that fact.

The problem goes deeper than that. What has happened in terms of the lack of control and the misallocation of public funds in the health care field? The government of Ontario has now embarked on a path where it is simply subsidizing corporations for profit. It is in the business of creating a monstrosity in the health care field, that is, an extensively publicly subsidized, publicly pampered, publicly supported private profit system.

If one was going to devise the most inefficient, most expensive, most secretive, most unaccountable health care system, one would have the kind of system which has been growing up over time in Ontario—private profit laboratories, nursing homes and health care facilities of various kinds, increasing private profit in the hospital field—subsidized at public expense without any degree of public accountability. It is probably the most expensive system that can be developed in any society. That is the system the Tories in this province are building in health care.

Whenever we have raised examples of the misallocation of funds as the result of this approach by the ministry and the government, we have received assurances by various ministers and the acting Minister of Health (Mr. Wells), who received so many questions throughout the entire session to which we have yet to have answers. Even pinch-hitters occasionally take their bats off their shoulders, but that is one thing the acting Minister of Health managed not to do throughout the entire period he was acting for the minister who is now back.

**Mr. Foulds:** He was a designated strike-out hitter.

**Mr. Rae:** I want to put just one case on the record so that it will be there clearly. If the minister wants to disagree with it, let him come into the House and say we are wrong.

This has to do with the Queensway Hospital example, which members will recall we have raised on a number of occasions. When faced with a proposal for a chronic care facility at the Queensway Hospital, the government of Ontario said, "We will not provide you with the capital funds. You will have to go and get the capital funds from somebody else. We will provide you with the per diems." The hospital went out, worked out a deal with Extendicare, came back to the government and said, "We have worked out a deal with Extendicare, but we need you to sweeten the pot."

Apparently, the government looked at it and agreed it would sweeten the pot. What has it done? It has provided the worst of both worlds from the taxpayers' point of view. As taxpayers we are going to be paying a per diem of \$125.75 per day, which compares with the normal per diem rate of \$109.75, because an additional \$16 a day is built into the expenditure.

What is that expenditure all about? It is so that at the end of 19½ years the government and the people of Ontario will own the Extendicare facility. In other words, the people of Ontario

are buying back that facility at a rate of \$16 a day and the government of Ontario is borrowing money from Extendicare. That is what the whole financing operation is all about.

When the government of Ontario is borrowing money from Extendicare, the first question any astute person who is responsible for the management of public money would ask is, "What kind of a rate are we getting?" The answer is that the \$16 a day works out to well over 15 per cent per annum as an interest rate. For a long-term loan of that kind, the government of Ontario—at the very time it was borrowing from Extendicare at 15 per cent—could have borrowed on its own account at 11 per cent.

For the life of me, I cannot understand how this government can claim to be a frugal, efficient and responsible administration when it is going out and giving a windfall gain to its friends, the Extendicare family. It is very close to the Tory party and the Ministry of Health. We all know that. I think it is important for the people of Ontario to know that these are the kinds of financial deals being worked out in the health care field and being sanctioned by the Ministry of Health and the Tory party.

### 3:40 p.m.

These are the kinds of deals our party finds offensive because health care should not be for sale in Ontario. It should not be seen as a commodity in this province or an area in which private-profit merchants can make money off the backs of sick and elderly people. These deals are wasteful and inefficient.

Studies that have been commissioned in the United States and published in the *New England Journal of Medicine* this year show very clearly that nonprofit hospitals in the United States, working side by side with for-profit hospitals, provide better care at less cost than for-profit operations. Yet this government is sitting back and encouraging for-profit operators to come into Ontario because they say they can do it more efficiently. They cannot do it more efficiently. They can do it more expensively, but they can also do it for their enrichment. That is what the Tory party likes: it likes to see its friends making money at public expense.

When I raised this question with the acting minister, he said, "Well, if we compare it with other Metro care facilities, we are getting a good deal." We went and we researched it because we did not believe him. In fact, the minister did an interesting thing. He compared the chronic care wing at Queensway General

Hospital with other free-standing Metro chronic care facilities, such as Runnymede Hospital; West Park Hospital, which happens to be in the good riding of York South; Queen Elizabeth Hospital; Salvation Army Toronto Grace General Hospital; and Baycrest Hospital. He came up with a figure which shows that yes, in comparison with those exclusively self-contained chronic care facilities, Queensway is less expensive.

However, Queensway is not one of those animals, if I may say so. It is not one of those totally self-contained, free-standing chronic care facilities. It is a chronic care facility that is in direct relationship with a general hospital. When you look at this across the province, you get a very different figure. The following are calculations we have made after checking this information very carefully with the Ministry of Health:

Queensway hospital has 309 acute beds and 120 chronic beds; the 1981-82 chronic per diem, adjusted downward to take into account the comparable year, is \$98; Guelph St. Joseph's Hospital, \$60; Windsor Metropolitan General Hospital, \$62; Cambridge Memorial Hospital, \$63; Toronto St. Joseph's Health Centre, \$65.70; Belleville General Hospital, \$66; Scarborough General Hospital, \$71.90; Mississauga Hospital, \$73; Welland County General Hospital, \$75; St. Thomas Elgin General Hospital, \$78.40; and Oshawa General Hospital, \$88.

On that basis, which is comparing like with like, the Queensway operation is going to be more expensive. The subsidy that is going to Extendicare is one that is well above any comparable rate for a comparable hospital in Ontario; that is the model the Tory party is determined to shove down the throats of the taxpayers of this province.

Over the past year, and it has been almost a year since I first gave a speech in this House with respect to the nursing home question, we have raised questions about the quality of care, which I think are now well established. Even after the duration of the then Minister of Health, I found it amusing that the very first thing his successor did on coming back from the hospital was to appoint 10 new nursing home inspectors.

The government knows there is a quality of care problem; it is fully aware of the problem and is simply skirting around the fringes of the problem. They are afraid to really get into it because they know that, when they finally do, they are going to find a situation that is completely and utterly unacceptable.

In addition to the quality of care question, I



want to deal this afternoon with the question of financial accountability, because the taxpayers of this province are spending \$237 million through the extended care budget of the Ministry of Health to subsidize private-profit operators in the nursing home sector. I do not think the public is fully aware of that fact when one talks about private-profit operations in nursing homes.

I was stopped by somebody the other day who said: "What's wrong with that? They charge their patients what they can. They don't get any money from the government; so why should they not be private-profit operations?" I said: "Wait a minute. Don't you understand that each and every one of those beds is paid for by public subsidy, that to a large extent it is a public subsidy that does this and that is the decision this Legislature took in 1972?"

That is a fact that has to be driven home. What we are looking at is not a private or free enterprise system; it is neither free nor enterprise. It is a system based on the public subsidization of a licence that is granted by the government of this province and that has become in this province a licence not to provide care but to print money.

That licence to print money is being granted not only without adequate programming, without adequate accountability in terms of care and without adequate inspection—we have documented all those things in the past year—but it is also without adequate financial accountability.

It is absolutely shocking to me that the financial information of every single nursing home in this province is not today a matter of public record. If you want to look at the American experience, Mr. Speaker, look at those states that have had to deal with the same kinds of nursing home problems we have had to deal with in this province—only they have had to deal with them far more publicly than this government has ever been prepared to deal with them.

The one bottom line that each reform has led to in the United States is financial accountability. The Connecticut example is the most recent. After a series of investigations by the then governor of that state, Mrs. Grasso, as well as by the Legislature of that state, the one response that had to be made was that nursing homes had to be fully financially accountable. They had to present their expenditures as a matter of record, how much they were spending on food, on service and on staff and how much they were taking out of the home for their own gain.

The only piece of financial information with respect to the management of an individual home that has become a matter of public record here in the past year is the information I presented with respect to the operation of the Heritage Nursing Home. That information came to us by means of brown envelope, and it showed that in a year when the home was receiving \$2.2 million in revenue from residents and from the taxpayers of this province, that home was taking out more than \$400,000 in management fees, payments into family trust funds and various transfers of one kind and another. That is a fair chunk of money for the operator of a home with slightly more than 200 beds to be taking out when in the same year that operator is spending \$1.90 per resident per day on food. That is nothing short of a scandal.

This government claims to be running a tight ship. They are giving money to that industry, as they call it, hand over fist, without any degree of financial accountability whatsoever. They have never done any comparison they are prepared to publish of the costs of running a nonprofit sector versus a private sector home. They have never published any information with respect to that.

I want to point out something, not only for reasons of historical interest and curiosity but also for another basic reason. In April 1972, our health critic at that time, Dr. Duksza, spoke during the debate on the first Nursing Homes Act. That is the first time the decision was taken to extend the extended care program into the nursing home field. I want to quote from one thing Dr. Duksza said. There are two points I want to make, one dealing with this question of financial accountability.

Dr. Duksza said at page 1005 of Hansard for April 10, 1972:

"An interesting side comment, I think, on the whole system can be gleaned from the remark of G. S. Chatfield—who is a program co-ordinator for extended health care—which he made on February 23, 1972. He said:

"'As the nursing home segment of this program is almost totally private ownership, a great challenge is thus presented for private enterprise and for government to work together to develop a mutually satisfactory program in this important health care segment of our social structure.'"

**3:50 p.m.**

I find it interesting that the Gary Chatfield who was being quoted as a spokesman for the Ministry of Health in 1972, saying a close



relationship had to be worked out between the Ministry of Health and the private-profit nursing home industry, is the same Gary Chatfield who is now the vice-president of Extendicare Ltd. That is the close relationship that has developed. That is the closeness that has developed. That is the relationship that has developed. It is a relationship in which the private industry is literally peopled with the former staff of the Ministry of Health.

When the former Minister of Health, who is now the Treasurer (Mr. Grossman), was first appointed he conducted a cleaning-up operation. My colleague the member for Bellwoods (Mr. McClellan) will remember this. At the time of the Ark Eden Nursing Home investigation, and at the time when my colleague the member for Bellwoods was revealing the information with respect to Ark Eden in the estimates, the man who was the director of nursing home investigations and nursing home services was a Mr. Paul Klamer.

One of the very first things the former Minister of Health said was, "You know, we have had some change of personnel; so things are going to be better."

For example, we know Mr. Klamer was the one who wrote the letter to the director of Ark Eden, saying, "You do not have to clean up the place because we are going to wait for a while before we make you do it." This has been one of the problems in the whole problem between Mr. Roy Bennett of Ark Eden and the government of Ontario.

Do the members want to know what Mr. Klamer is doing now? He is the vice-president of Leisure World Nursing Homes, yet another one of the chains that is being extensively subsidized by the Tory party and the Tory government in this province.

I suggest there is something very wrong with the nature of this system. There is something inherently ineffective, inherently inefficient and inherently wrong with this kind of system. I can only quote the words of Dr. Duszta many years ago when he was going through the act and commenting on the problems that would exist as a result of the subsidization of private profit, which was built into the system and the remote kind of inspection that took place.

It is a good speech to read, because it pointed out so clearly the kind of centralized inspection that would be there, coming in once a year, doing nothing to provide programming, doing nothing to make sure things were really being cleaned up and doing nothing to provide the

kind of community control and community involvement that was absolutely essential. It is important to remember what he said at that time, at page 1008 of Hansard for April 10, 1972:

"It bothers me that such a large segment . . . is so strongly in private hands and so strongly profit-orientated. There are many other ways of looking at it; under no circumstances am I suggesting that the minister should go ahead and nationalize the nursing homes. I am suggesting to the minister that we should be looking for other ways of both financing and managing the nursing homes so that they can be nonprofit corporations under the Charitable Institutions Act, and do not have to be entirely reliant on the private sector."

That is the position of the New Democratic Party today. We strongly believe the operation of nursing home care should be conducted on a nonprofit basis. I want to suggest to the government that not only is that going to provide a better quality of care but it is also going to provide a higher degree of financial accountability, financial responsibility and value for money, both taxpayers' money and residents' money.

I want to tell the government that if it thinks in this past year it has seen some questioning with respect to the nursing home sector, the health care sector, the private profitization and the growth of the merchants of care in providing care in the health care field, it has not seen anything yet.

We have just begun to do the documentation and research that we think is going to show clearly, as it has in the past, that there is a real conflict between the merchants of private gain and private enrichment, who are so close and dear to the hearts of the Tory party and the provision of quality care in this province, whether it be care for those who are just born or care for those who are elderly, who are vulnerable and who are in need of the love, assistance and charity of their neighbours and their friends.

The Treasurer took some offence when I released information with respect to the size of contributions by the nursing homes to the Tory party and with respect to the size of the contribution to his own riding. I only want to say—and I am sorry he is not in the House—that I am a little surprised he was so embarrassed about his friendships. We in this party are not ashamed of our friends. I am not ashamed of anyone who has contributed to my campaign. I am surprised the Treasurer would be embarrassed when information was released with respect to who

his friends have been over the past years and who his friends no doubt will prove to be in the future.

**Mr. Nixon:** Claire Hoy didn't like it either.

**Mr. Rae:** I am used to that, that is all I can say. Clairhoyance, I think it is called.

I want to raise three other basic questions that touch this question of financial accountability and the smell that pervades the government of this province as a result of its longevity without having changed at all. The first has to do with the question of advertising, the second has to do with the question of Ontario Hydro and the third has to do with the question of forestry, its management, and information with respect to its management.

On advertising, I must say I am amazed that this government continues to abuse its own taxpayers and its own people by flooding the airwaves with jingles and jangles and propaganda that are not basically designed to convey any information but are simply designed to elicit a warm, wet feeling in the mind or soul of the viewer or listener as he hears the music or watches the visions of Ontario that are presented by the government.

Those of us who saw the clipper ships and the geese flying in "L" formation at the time of the Constitution Act were perhaps getting used to the idea that taxpayers can be bought and controlled in terms of their minds, and perhaps their subconscious political reflexes, by governments and parties which they themselves have elected. I think it is an abuse; I think most Ontarians feel it is an abuse. I think most Ontarians think it is offensive to the notion of stewardship, to the notion of trusteeship and to the notion of responsible government.

Parties that are in power today not only have immense sums of money at their command but also have, and they are subject to their control, media which can have direct access to the minds of literally millions of Ontarians. This kind of control is unparalleled in the history of man. It is unparalleled in the history of democratic government. I want to suggest in all seriousness that we have not even come close to approaching this subject with the kind of objectivity it deserves.

I happen to believe very strongly that governments have an obligation to convey information. I agree thoroughly that information has to be conveyed, and even conveyed in interesting ways, with respect to the senior citizen tax break, with respect to the Workers' Compensa-

tion Board list of benefits and with respect to any programs available for young people or older people or whatever they might happen to be. I think those programs have to be advertised in many different languages, and I have no objection to governments doing that.

**4 p.m.**

I have objections to the minister's picture appearing on ads, and I have objections to the minister's name and the Premier's name appearing on every advertisement; I object to that. I do not think that is necessary, but still that is something which we are used to and which is par for the course. What I think is offensive to the nature of democracy itself and to the notion which in my view is at the heart of democracy, which is a respect for the mind, a respect for the integrity and a respect for the intelligence of the average citizen in a democracy, is the kind of propagandistic nonsense, the kind of fluff and flimsy stuff which is passed around. It is not information, it is pure and simple propaganda; a pure and simple attempt to create a feeling on the part of citizens, a subconscious reflex towards the party in power. That kind of advertising is an abuse.

It is an abuse of power, it is an abuse of the democratic process; and governments which participate in it should be ashamed of themselves. This government has participated in it more than any other government with the possible exception of the Liberal government in Ottawa.

I mentioned Ontario Hydro; again the key is accountability. The statement from the Provincial Auditor is very clear. The Legislature does not have adequate control over crown corporations. He stated that very specifically. We do not have adequate control over the capital expansion plans of Ontario Hydro. It is subject to less scrutiny than perhaps any other major utility in terms of what the basic scrutiny is, the public process. I want to suggest it is intolerable and absolutely unacceptable that this situation should be allowed to continue at a time when Hydro is expanding its construction program to the tune of tens of billions of dollars without adequate public scrutiny and without serious review.

The evidence is overwhelming that hydro rates are going to increase faster than the rate of inflation. They are going to have to increase even faster than Hydro thought last year, because of the problems faced at Pickering and because of the problems being caused by technological difficulties at Bruce.

All we are asking for is accountability. We can have our arguments in this House as to what the best mode of growth for Hydro is and what the best route in terms of Ontario's energy future is. All we are asking, and we have asked for it several times and will ask for it again, is that there be a forum created, a select committee of this Legislature to give us the opportunity as legislators to listen, ask questions and subject the largest public utility in Canada to the kind of public scrutiny and control it needs and deserves, and the people of this province need and deserve to have.

It is entirely unacceptable to us from the point of view of financial efficiency alone that a utility of that size should be able to make those kinds of public expenditures with no ability on our part to get at the underlying assumptions which led to those expenditures.

It should be unacceptable to every Tory back-bencher in this province as well. It should be unacceptable to every member of the Conservative Party as well, because its constituents are going to be paying just as much as our constituents for that lack of scrutiny and that lack of control.

If one looks at what other utilities have had to do, to give one leading example the Tennessee Valley Authority in the United States has had to cut back on its nuclear expansion program. It has had to deal much more toughly with the question of conservation. It has had to face up to the reality of an overbuilt system that is not in keeping with the new energy realities of the 1980s and 1990s.

We have a utility that is carrying on blissfully unaware of the fact that the energy future today is not the energy future predicted in 1976 or 1978. It is absolutely incredible that this government would still refuse to set up a select committee on Hydro, that the Premier would stand up and say the Ontario Energy Board is the place where these questions can be discussed. He must know, because he has been told, that the OEB has no jurisdiction to deal with questions involving capital expenditure and has specifically said, "We do not have a mandate to deal with capital plans."

The counsel to the Ontario Energy Board said Hydro is overbuilt, that there are problems of waste and he is sorry the Ontario Energy Board does not have the mandate to deal with those problems. Yet the Premier of this province gets up and says, "There is no problem here because the public accounts committee can deal with it

and the Ontario Energy Board can deal with it." The Premier is just not levelling with himself. He is not levelling with cabinet. He is not levelling with this Legislature.

The fact of the matter is that we do not have access to Hydro's plans in a way that they can be effectively scrutinized and questioned. That is the reality the government has to deal with and cannot ignore any longer.

I want to close by paying tribute to my colleagues, including the member for Nickel Belt (Mr. Laughren) and the member for Lake Nipigon (Mr. Stokes), for the work they and others in our party have done in terms of the management of a basic and fundamental resource, our forests. It is absolutely incredible to me, and I think to most people in this province, that the Ministry of Natural Resources has taken a kind of bunker approach to the management of a resource that is so basic and so fundamental to the future of this province.

Because I was able to travel across the north with a task force for nearly three weeks in September, I saw at first hand the conditions on the ground. We went into the woodlands operations and saw that there were some areas where there were some things happening, but there were lots of areas where there was nothing happening. There were lots of areas that had been clear-cut where there were no trees growing because there had been no trees planted. There were also lots of areas where trees had been planted but they had been overgrown by various hardwood species as well as shrubs, raspberry bushes and all kinds of other things.

We saw a situation where every time we held a meeting we were dogged by officials from the Ministry of Natural Resources. It was almost as if we were living in 18th-century France and Louis XVI was sending his various superintendents around to make sure of what was going on at these public meetings. One had the feeling the minister was terrified of the kind of information that was coming out. He was terrified that his domain in northern Ontario might be attacked by public information and public scrutiny.

The minister chose not to answer or refute the information but to make profound statements such as, "Bob Rae doesn't know what he is talking about," or "Floyd Laughren is full of it." He just made personal remarks that had nothing to do with the foundation of the case that was being made. We all know that people make *ad hominem* remarks and *ad hominem* arguments only when they cannot deal with the



substance of the information that is being presented.

The task force was confronted time and again with secrecy, lack of accountability and a refusal to fully account for the expenditure of public funds. Whether the government has a forest management agreement or some other form of arrangement in terms of managing the northern resource—and we happen to think there are a lot better ways of doing it than the way the government is doing it today—surely to goodness the public of Ontario is entitled to know what the results of spending public money are, what the results of public investment have been and what they will be in the future.

Surely we as a province are entitled to have an accounting, to have a heritage accounting if you will, for the kind of expenditures that are being made today in the forests. Instead, what do we get? We get ritual abuse from the Minister of Natural Resources (Mr. Pope) and from the Minister of Northern Affairs (Mr. Bernier), which we take as a supreme compliment. But we also get something else. We get absolutely no constructive information that tells the public of this province exactly what we are getting for the money we are spending. That, I suggest, is the bottom line of the attitude of this government. It is a government that has lost its sense of stewardship, its sense of trusteeship and its sense of responsibility in terms of public expenditure.

**4:10 p.m.**

I laugh when I hear the Tories describe themselves as a party of small government, as a party of responsible government or as a party that is close to the people in terms of the way in which it spends money. In that regard they are close to the Liberal government in Ottawa, as they are on so many different issues. This government takes exactly the same approach as the Liberal government in Ottawa. It has exactly the same attitude to the taxpayers and exactly the same view: "What the heck. It is public money, but we can spend it. We are not responsible. We will get away with it. There will be a few questions in the Legislature. Maybe there will be a few press articles, but it does not really matter." The same view is taken.

That same view infects and corrupts the attitude of everyone at the upper echelon of that government. That is why I say power corrupts and absolute power corrupts absolutely. That is why I say governments are like socks. If one does not change them, they start to smell after a while. This government has remained unchanged

for too long. The odour of complacency, the mouldy stench of arrogance has carried on for too long. Whether it is in the hospital field, whether it is in terms of basic management of contracts or advertising, financial accountability in the nursing home field, or in terms of our largest utility and largest crown corporation, Ontario Hydro, or the management of a basic resource like forestry, this is a government which does not deserve and should not have the confidence of this House.

**Mr. Swart:** Mr. Speaker, on a point of order: My leader has just introduced a no-confidence motion and has spoken on it. This is considered one of the most important events in the parliamentary process. Not a single member of the government was here during that whole speech—

**The Acting Speaker (Mr. Cousens):** No. That is not a point of order.

**Mr. Swart:** That not only shows lack of respect for the leader and the parliamentary tradition, it shows contempt for this House.

**Mr. Nixon:** Mr. Speaker, I find the absence of the members of the government somewhat offensive myself, but while we have a rule that everyone may speak, I do not know of a rule that says anybody has to listen.

I was quite impressed with the speech made by the leader of the New Democratic Party, and it will certainly not hurt my feelings if the socialist hordes vacate for their own little business now that some effective descriptions of government programs are forthcoming. I would predict that the NDP will be down to its usual one and a half members within two or three minutes.

The only reason I am feeling so good this afternoon is that I am still in a state of euphoria, having attended the greatest political occasion in the history of Canada last night. I know there were a good many Tories there, all coughing up \$250 each. I even noticed a few NDP lawyers in the audience who would like to be on the list for judicial appointments as so many of them have been in the past.

Unlike the socialist leader, who was born with a silver spoon in his mouth, I am perhaps a little more of a realist in these matters than he is. But I do follow his example in that I have a text for my brief comments this afternoon. It is taken from a well-known politician whose name and party I have momentarily forgotten. He said: "What's a million?" Then he said, "Who's to stop us?" The two attitudes that often go with a government,

like the Ma Murray analogy, need to be changed for obvious reasons.

Fortunately, the people are as sensitive to these odoriferous comments as opposition politicians, and within a few months after those two famous statements that government was changed. Fortunately, the interregnum was a brief one, and it was a very interesting one.

However, since this particular no-confidence motion deals with the profligacy of government, I wanted to list some of things that have come to my mind over the years that fall into that category. It is not just bad judgement; it is really overt wastage of money, where somebody in the government has been able to persuade his colleagues to go along with an absolutely cockamamy scheme which was anything but advantageous to the taxpayers.

I think of the acquisition of land in South Cayuga. There was an attempt over the years to justify that as land banking supposedly, but the government has never found any possible use for it except for farming, from which it was taken when the government paid a high price for the property. The government tried to establish some sort of solid and liquid waste disposal site on that land, but this was not permitted when a review of the facilities indicated that would be detrimental to the community in many respects.

Nearby, a city site now known as Townsend was purchased at inflated prices, something like four times the going rate of the land at the time. We have been pouring money into that facility from that day to this. We now have approximately \$65 million invested in a beautiful community housing about 100 households.

Edwardsburgh township is a similar example. When the present Minister of Municipal Affairs and Housing (Mr. Bennett) was a back-bencher he heard a rumour that the government was going to buy a huge tract of land there for industrial development. He indicated, and I am paraphrasing him, that any politician who would buy that land for industrial development had to be nuts. The only word I remember for sure is the very last one, but the spirit of the thought was as I have described it.

Nevertheless, before the minister was a part of it the government went ahead and bought the land. They have changed their minds considerably and are now trying to grow poplar trees on the property which was farm land and forestry land of some usefulness before.

We think of that fine building on Bloor Street, the Ontario Institute for Studies in Education,

built by a friend of the Premier (Mr. Davis) without any tender. We are still paying \$1 million a year in rent on that. The \$1 million we were paying a decade ago was real money; nowadays the C. D. Howe maxim "What is a million?" may have more application. That is what happened.

The same man built the Ontario Hydro headquarters just outside the front door of this building without tenders. It is certainly a fine building, but surely the time had long since passed in the premiership of William Davis when work on any of these structures or concepts should have been entered into without a full tendering process.

The list goes on. Those members who visit the Workers' Compensation Board offices on a regular basis on behalf of their constituents know they go into one of the finest buildings on Bloor Street. Once again, there was no tendering. The contract was awarded to the Fidinar company, which came over from Switzerland with a very small bank account, just enough to pay \$50,000 into the coffers of the Progressive Conservative Party before this contract was let.

The list goes on. We have heard about Minaki. We have heard about the famous jet. I know the Premier was shamed into selling it. We have never had an accounting of how much money it was taking to keep that jet parked on the runway in Houston, Texas, while they were waiting to tear out the cabin fittings and replace them with what I suppose would be called cabinet fittings in deep blue plush. God knows what has happened to that plane, but I do know it cost us a good deal of money.

The attitude was there: what is \$1 million? Who is to stop us? In this particular instance it was the opposition, mostly the member for St. Catharines (Mr. Bradley) who singlehandedly changed government policy and brought it briefly to its senses.

The leader of the New Democratic Party has been talking about Ontario Hydro. In a speech like this one must make at least some reference to the policies of Hydro which have been so wasteful and consuming of our resources.

**4:20 p.m.**

Not long ago for me, although it seems a long time in the history of events, when there was a select committee on Hydro affairs, we went up to the Bruce area specifically to examine why there were such serious cost overruns and delays in the building of our heavy water plants, which form an important ancillary facility to one of the largest atomic installations in the



world. The cost overruns and time delays there were completely unconscionable. When one realizes that this \$1-billion installation is barely ticking over these days and many of the heavy water towers have been mothballed and have never been put into use, that is a clear indication of just one example of the profligate waste of Ontario Hydro, which has suffered from bad planning for the last decade.

The New Democratic Party voted with the Conservatives some years ago to make Ontario Hydro into a crown corporation. We in the Liberal Party felt it should be kept as a commission with a representative in the cabinet responsible on a day-to-day basis to this House. We believe we were correct then and we are correct now. Many of the problems with Hydro would not have been so serious and so all-encompassing if the NDP had not supported the Conservatives in that particularly bad decision.

Advertising was referred to by the Premier during his estimates last week. He tries to justify it on the basis that public advertising is essential if we are going to inform the taxpayers and the citizens of their rights under changing laws and regulation. No objection has ever been made to informing senior citizens and farmers, for example, of their rights to tax rebates and so on. When the Premier clearly asks, "What advertising would you have us chop?"; my response is it is really ridiculous the way the public purse pays for Miss Penelope and her boyfriend, the ancient Mr. Hall, and all that little cast of characters who dance around the television screen about every 15 minutes during a hockey game or ball game one might be watching. It is absurd.

Of course, that is not the kind of advertising we worry about. It is that lovely stuff about "Ontario is yours; preserve it, conserve it," and all the subliminal claptrap the Tories have used going right back to the election of 1963. I think it was Bob Macaulay who got the bright idea that some more modern advertising geniuses might get a few more votes for the Tories. They have done it very well ever since. Those people who criticize the Liberals in Ottawa for doing the same thing are completely correct.

That leads me also to a real concern about the usage of public moneys in developing polls that direct the political direction of government. My colleague who was just beating on his desk so violently, our Treasury critic, has led the House and the whole community of Ontario in criticism of this matter. As members know, other politicians at the federal level and in other

parties here in this House have since chimed in with rather weak and ineffectual criticism.

Our Treasury critic has led us in this matter for the last five years and has practically brought the government to its knees, so much so that in a conversation with a very senior member of government recently there was some indication that surely no money that was available to any causes would ever be used for any kind of poll. At least he is sensitized to it, if not leaders of governments elsewhere.

One thing that concerns me, and I am sure this is a fact, is that this debate is coming on for a number of reasons, but ostensibly the best one is that the Provincial Auditor's report was tabled in the House a few days ago. It was really a scorcher. It was the strongest criticism of the government I have read from a public official in the 22 years I have been in the House. Either the government is getting worse or the auditor is getting better.

When I read his report a year ago I certainly was not impressed with the assiduity of his deliberations. I felt perhaps he was a little uncertain as to his responsibility as a servant of this Legislature. My fears were certainly put to rest when I read the very carefully constructed criticism, based in each particular on facts his officials had gathered from the various ministries and crown corporations.

I trust every member of the Legislature has read it as carefully as I have and that the public accounts committee—the chairman is present at this time—will be able to take this report and call the various officials before that committee and find out the truth in detail. There have been criticisms in the past that when the auditor's report is tabled it is a one-day wonder. The *Globe and Mail* has something about "Ain't it awful, Mabel?" or whatever, and nothing is done about it.

Certainly that is not the case in Ontario because the auditor, with very good leadership in the standing committee on public accounts, has effectively brought pressure to bear on the government so that just a week ago one of the senior deputy ministers was dismissed from his responsibilities on the basis of criticisms brought forward in that committee.

The Premier was quick to say he may be reassigned to other duties. As we have so often observed in this government, when the Premier cuts off a head it often rolls uphill.

**Mr. T. P. Reid:** Who said that?

**Mr. Nixon:** That was first put forward in this



House by another brilliant member of the House who shall remain nameless at this time.

**Mr. T. P. Reid:** The member for Rainy River.

**Mr. Nixon:** I was quite interested, actually, to read the *Globe and Mail* today. The *Globe and Mail* is very careful to protect the taxpayers. One need only ask the members of the Board of Internal Economy if the members really want to know about that. I was reading in that paper today a little item entitled, "Norton Office Cost \$290,000 During Tories' Restraint Effort." That is just the headline, for God's sake.

I will read the first part in the remaining moments of my remarks. It says: "This year at the Ontario Environment Ministry a \$290,000 office complete with bar and washroom was created for former minister Keith Norton while \$32 million was being cut from the ministry's budget as part of a restraint program.

"The new office, on the 15th floor at 135 St. Clair Ave. W., has a bar, a small boardroom and a washroom equipped with a shower."

That is the sort of thing C. D. Howe had in mind when he said, "Who is to stop us?" I do not like to criticize the member for Kingston and the Islands (Mr. Norton). He is not here. As a matter of fact no other cabinet minister is here either, so we can be fairly free with these remarks. I like him very much. I have a feeling he said to one of his minions: "Listen, I like to go jogging in the morning or in the evening, and when I come in I think it would be nice before I went over to the House if I had a little shower. Could you fix something up?" His minions, of course, would take that as a direction to spend \$290,000 or whatever it is to do this.

That is the trouble cabinet ministers can get into if they are not careful. We see the former Minister of Government Services (Mr. Wiseman) here. When the story is finally told and we get the honourable minister really to open up about some of these things it is going to be interesting.

We have been on this side for 40 years, but we have learned that when the government is careless of the dollars of the public, when there is too much luxury, when there are too many cars, when there is too much travel and too many consultants, it is time for a change in government. That is what we are here to bring about.

**Mr. Kolyn:** Mr. Speaker, this motion epitomizes all I have come to expect from members of the third party. It is really a catalogue of their pet peeves. In this motion we again find expressed their hostility to private enterprise and their

conviction that private property is incompatible with the public good.

In this motion, the third party brands this government as insensitive to the plight of the unemployed. At the same time, they condemn the government for supporting the Darlington project, a project which will not only provide this province with secure cheap energy but is also currently providing thousands of jobs across Ontario.

In this motion, the third party maintains this government has failed effectively to manage and invest the public funds. Not only is this claim false, but in the same motion the third party damns the government for experimenting with different methods of ensuring the cost-effective, efficient delivery of health care services to our citizens.

In this motion, the third party castigates the government for not being accountable to the people for the way in which it spends public funds. In the same breath it criticizes the government for its advertising programs, which inform citizens about programs and services which are supported by public funds.

Being inconsistent to the point of incoherence may be a luxury available to the third party. It is not, however, a luxury available to this government.

**4:30 p.m.**

I am pleased to be able to say a few words in response to the motion introduced by the member for York South (Mr. Rae). I must reject his claim that this government has mismanaged public funds. This government's record of sound, effective financial management is unmatched by any other administration in Canada. That claim, one I am proud to be able to make, is supported by the facts and is resistant to opposition fantasies to the contrary. For the benefit of the members of the third party, who conveniently forget those facts or refuse to acknowledge their significance, permit me to take a couple of minutes to repeat a few of them here.

In Ontario, thanks to the exercise of public sector restraint, a policy this government has pursued for years before it became politically fashionable, we have been able to keep our deficit under control. Our per capita deficit in Ontario stands at about \$293 and is among the lowest of any Canadian province. I know the members of the third party do not believe that controlled deficits are in the public interest; that, however, is not a view shared by this government.

This government has also, through prudent management, been able to control the size of the public sector in Ontario without compromising the level and quality of services provided to our citizens. The fact we have been able to control the size of the public service while maintaining service quality is, I believe, a tribute not only to the prudent management of this government but also to the skill and dedication of the men and women in the public service. In Ontario this year there are nine public servants for every 1,000 people. This is the lowest ratio in Canada.

Again, I appreciate that this fact will leave the members of the third party unimpressed. If they had their way there would be nothing but a public sector. When I want an objective assessment of the financial management record of this government, I do not look to the opposition parties in this House to provide it; that is not their job. I look to the professional money managers and bond rating experts to provide that assessment. Their judgement, as reflected by this province's triple-A rating, is that Ontario is a very well managed province.

I appreciate that members opposite do not like to hear about this. I know members of the third party argue that the welfare of the people, not a bond rating, should be the primary goal of policy. They are either not aware or refuse to acknowledge that the two are intimately connected. This government is aware of that connection and acts accordingly.

This government does not have to listen to any lectures on prudent financial management given by a party whose budget proposals over the last two years would have at least doubled the provincial deficit, nor does it need any sermons from the third party on the plight of the unemployed.

We have introduced programs to deal with the problem of youth and general unemployment. The employment picture is improving. There were 196,000 more jobs in Ontario last month than there were in November 1982. Long-term job creation depends not on government job creation programs but on a dynamic private sector. The private sector, not the public sector, creates the vast majority of new permanent jobs in this province's economy. One does not encourage private sector investment, expansion and job creation by increasing the burden of the public debt and public borrowing on the economy. Job creation potential in the private sector would be negated by a return to high interest and inflation rates. The needs of

the unemployed will be best served by policies that emphasize public sector restraint and deficit control, policies this government is following.

I would like to devote some of my remaining time to the issue of accountability. Accountability is mentioned in a number of contexts in the motion in relation to the government, and implicitly in relation to Ontario Hydro.

The accountability of government to the House and to the public, the internal accountability of public service managers to their line superiors and the external accountability of managers to the government, the House and the public are issues of interest to us all. I am convinced that in Ontario we have in place the management system and practices that guarantee accountability.

I have the privilege of serving on the public accounts committee of this House. That committee, along with the Provincial Auditor, monitors and reports regularly the quality of stewardship of the public purse. I have also had the pleasure of participating in a number of meetings held with members of other provincial public accounts committees. As a result of discussions with our counterparts from our sister provinces, I can say without reservation that we in Ontario have by far the best and most effective public accounts system of any Canadian province.

During this session there have been in committee and in the House some criticisms of the management systems in the government of Ontario. It has been argued that the system in place is inadequate because it is in some ways an honour system. I am not sure this government should apologize because it has a high degree of trust and confidence in the public servants of Ontario.

There is a theory that holds that management systems based on what is called in the literature independent accountability founded on an honour system maximize productivity, efficiency and management morale. On the other hand, dependent accountability systems, which rely on a proliferation of rules and enforcement agencies, impede productivity and erode management morale. Our management system in Ontario is designed to ensure accountability, decentralize decision-making and achieve results in the most efficient and effective manner possible. It is a system that, on balance, has worked very well.

This motion chides the government for not setting up yet another committee to study and investigate Ontario Hydro. Certainly, no NDP

motion of this length would be complete without some mention of Hydro. The last thing this House needs, the last thing Hydro needs and the last thing the public needs, is another investigation of Ontario Hydro.

Were it possible to quantify such things, we would discover more energy has gone into studying Hydro than the utility has ever produced. In spite of the most ardent hopes of the opposition, Ontario Hydro is not out of control. As is clearly set out in the Power Corporation Act and the memorandum of understanding between the Ministry of Energy and Ontario Hydro, the utility is responsible and accountable to the ministry and the government, and through the ministry to this House.

Ontario Hydro can do nothing of substance—it cannot build, buy, sell or borrow—without the approval of cabinet. By my reckoning, Ontario Hydro has in the past 13 years been the subject of nine special inquiries, task forces and select committees. The public accounts committee is currently in the process of conducting a review of Ontario Hydro finances. Since 1974, I am told, Ontario Hydro has, as of June this year, spent 638,000 hours and an estimated \$18.5 million in preparing for and attending public hearings. This means in the last nine years Ontario Hydro has spent the equivalent of 72.8 years in preparation for and attendance at public hearings. In the face of this record, I find it difficult to lend much credibility to the complaint of the NDP that this government does not permit sufficient public scrutiny of Ontario Hydro.

I have just a few observations to make about the motion's allusion to government advertising. This is an issue that has been the subject of considerable debate in this House. I believe it was the subject of a private member's bill. It was most recently the topic of an exchange between the Premier and the Leader of the Opposition (Mr. Peterson) on December 2.

The motion maintains the government of Ontario spends over \$23 million on major media advertising. This, I take it, is given as an example of the waste and extravagance referred to in the motion. According to a survey by Media Measurement Services Inc., the government of Ontario spent \$23.2 million on advertising in 1982. Although I am not certain, I suspect this survey may be the source of the NDP figure. The question is whether such an expenditure is a waste and an extravagance.

If we accept the \$23.2 million figure as accurate, it means that last year the government

of Ontario spent, for every person in the province, about \$2.64 on advertising. To put it differently, for every person in the province the government spent about seven tenths of a cent a day or about five cents a week on advertising. This does not strike me as being extravagant, nor, I suggest, was the investment a waste. Through that investment the government is able to inform the citizens about a variety of services and programs. We are able to motivate the citizens to take certain actions that are in their own self-interest and in the public interest as well.

Surely if three major cigarette companies can invest \$25.3 million in 1982 on advertising to convince people to smoke and two of our major breweries can invest \$45.3 million to convince people to drink beer, then government can legitimately inform people of the dangers of smoking, of drinking and driving and of alcohol abuse, all practices that have a very high social cost.

Likewise, I am sure all members would agree that the investment of public funds in advertising campaigns to promote Ontario as a tourist destination, to promote Ontario farm products or to encourage better health practices or energy conservation are legitimate investments consistent with the goals of public policy in the province.

**4:40 p.m.**

As for the opposition complaint that advertising by this government has crossed the line that separates information from advocacy, I regard that as a product of a rather paranoid imagination given to finding subliminal manipulation everywhere.

Government advertising has always been of special interest to the opposition. A few weeks ago, members may recall they were sharpening their critical knives in anticipation of carving up the Minister of Tourism and Recreation (Mr. Baetz) on advertising in his ministry. Unfortunately, the minister ruined their day by burdening them with facts.

In spite of all the criticisms levelled at government advertising by members of the opposition, I have yet to hear them give a satisfactory response to the question put by the Premier to the Leader of the Opposition on December 2 in this House.

The question is: "What advertising campaigns do you suggest we eliminate?" Should we do away with the "Ontario—yours to discover" campaign, which has proven to be of such benefit to our \$11-billion-a-year tourism indus-



try? Or perhaps the New Democratic Party would do away with the Foodland Ontario advertising, which has helped increase awareness and consumption of Ontario farm products?

This government has not invested an extravagant amount of money in advertising, and it quite simply does not invest public funds in any form of political propaganda. Furthermore, if the success of our tourism and Foodland Ontario campaigns are any indication, the Ontario public has realized a very handsome return on every dollar of public funds invested in advertising.

Not one of the reasons which this motion advances as being cause for loss of confidence in this government passes inspection. Each collapses for lack of substance. The charges brought against the government on this motion are as substantial, as accurate and as credible as the leader of the third party's earlier celebrated charge that this government was paying \$200 each for some art calendars.

It is my sincere belief that in introducing this motion the member for York South has confused the loss of confidence which the people of the province have in his party with the loss of confidence in this party. I hope to correct that misconception by voting against the motion.

**Mr. Riddell:** Mr. Speaker, it is always a pleasure to speak to such a large audience. As a matter of fact, it reminds me of the minister from Scotland who was conducting a service one stormy winter morning. During his sermon he was giving credit to those who had braved the storm to come out. "But," he said, glancing at the collection plate, "I note that those who are out are not out much."

I carefully read the motion submitted by the leader of the New Democratic Party and I thought there was something missing—

**Mr. Renwick:** Mr. Speaker, on a point of order: I do not observe a quorum, and I think the member for Huron-Middlesex deserves a quorum.

**The Clerk of the House:** Mr. Speaker, a quorum is not present.

The Deputy Speaker ordered the bells to be rung.

4:47 p.m.

**Clerk of the House:** Mr. Speaker, a quorum is present.

**Mr. Riddell:** Mr. Speaker, I want to thank the member for Riverdale for rising on a point of order to suggest there was not a quorum in the House. I would like to think he is one member who feels that whenever I speak I have some-

thing of substance to say, and I am sure he did not want the other members of this House to miss it.

As I was saying, I carefully read the motion submitted by the NDP leader and I thought there was something sadly missing. I read it very carefully a second time and, sure enough—I could not believe my eyes—there is absolutely no mention made in the motion of this government's lack of commitment to the agricultural industry of Ontario, an industry that is probably hurting more than any other industry we have in the province. For this reason, I believe the NDP stands to be condemned for putting on blindfolds to the problems facing our farmers.

The provincial government has failed Ontario farmers. Confidence within the farm community concerning the government's agricultural policies is depressingly low. The present emergency-level economic difficulties facing the agricultural industry have increased over the past two years, and this situation is directly related to the lack of commitment this government has to our farmers.

This is not a figment of my imagination; rather, it was the Ontario Federation of Agriculture in its annual presentation to the government this past September which said, "We have been annually meeting with you for several years, and in all that time solutions to the basic questions of income and financing have never been realized."

4:50 p.m.

While farm bankruptcies do not accurately represent the true financial failure in the agricultural industry, they do provide an indication of the financial health of the agricultural industry; that indication should be of major concern to this government.

Ontario continues to lead the country in the number of farm bankruptcies. They have increased dramatically from 64 in 1979 to 122 in 1980, to 140 in 1981 and to 176 in 1982. For the first 11 months of this year they stood at 157. Our farmers are going broke at the rate of one every two days.

The sad truth of the matter is that the policies of the Minister of Agriculture and Food (Mr. Timbrell) and his deputy have endangered the farming future of this province.

What is the reaction of this government to the ills facing the agricultural industry? The Minister of Agriculture and Food has chosen to ignore the situation. In a recent speech given in Owen Sound, the Minister of Agriculture and Food stated: "Our farmers are on the way out of

recession, financial bind and low returns." This is nothing more than wishful thinking, for it has nothing to do with reality. Our farmers, particularly the red meat producers, have never been in worse shape than they are now, owing in large measure to this government's inaction and procrastination.

The minister's former deputy minister again voiced government policy when he stated, "There really wasn't ever a recession in agriculture" and "One half of the Ontario beef producers have to go out of business in order to ensure a healthy industry."

What do farmers think of the views expressed by the minister and his deputy, who obviously arrived at them from their offices on Bay Street? This past month the Ontario Federation of Agriculture released its verdict of the minister's and the deputy minister's analysis of the situation when it told them at its annual convention: "We can no longer accept that. There are too many farmers who increasingly are seeing their financial returns deteriorating. There is too much suffering, humiliation and desperation among our producers.

"Government has a responsibility to be a safety net in our society. We had expected to at least hear some solid statement of intent, and even possibly some answers over the past few days. They have not been forthcoming. We are disappointed and angry. We need and want answers now. The time for complacency is past."

Part of the responsibility for the government's inertia to respond to the needs of the agricultural industry rests with the Premier. In my view, it was highly irresponsible of the Premier to appoint a Minister of Agriculture and Food and a Deputy Minister of Agriculture and Food, neither one of whom has had any agricultural experience whatsoever. I do not think a Minister of Agriculture and Food should be appointed to that capacity unless he or she has actually experienced the farming business and has some knowledge of the complexities of the farming industry.

The present government lacks a clear vision of the issues and potential for agriculture. This government follows rather than leads. It relies on ad hoc solutions rather than long-term strategy. Each election is filled with promises to cover up another crop of failures.

The Ontario government has failed the red meat industry and particularly the beef sector, whose very survival is threatened by its inaction.

This process has already begun. The situation is beyond emergency for many beef producers.

The Ontario government failed our producers when it blocked the Liberal opposition's attempts for an emergency debate on the red meat sector on the grounds that it was an ongoing situation rather than an emergency. The government clearly did not want such a debate because it was sure to cause the minister and his bureaucrats considerable embarrassment.

The government has failed the hog producers of this province with the minister's recent announcement that there will be no payout this year under the sow-weaner stabilization program, even though market prices have averaged 82 cents a pound while costs of production are \$1.39 a pound.

This announcement came as a shock, I am sure, to cabinet ministers, and particularly to the Treasurer (Mr. Grossman), who had written within that same week to a pork producer indicating, "Based on the current prices, the Ministry of Agriculture and Food advises that the pork payments will exceed the \$5-per-weaner payment you suggest." That led producers to believe they would be eligible for a \$56 payout per sow under the stabilization program.

The farmers' view on the adequacy of this government's program can best be summarized by the fact that farmer enrolment in the provincial stabilization program has decreased from 4,425 when the program was first introduced to 3,000 today.

The Ontario government has failed the beginning farmers of this province by introducing a program that excludes farmers who rent their land, thus excluding enterprising sons and daughters of farmers who have gained farming experience by renting land. The program also excludes farmers who entered farming within the past three years, but it is they who are in most financial difficulty since they started to farm when the interest rates skyrocketed.

The government has failed farmers because of the minister's preoccupation with a tripartite stabilization program to the exclusion of any other forms of financial assistance. While the minister has frittered away the past two years, the industry is no closer to a solution of this policy dilemma, and the minister has now admitted this proposed program is not a solution to agricultural problems.

The government has failed to protect the grain producers of the Niagara region who stand to lose hundreds of thousands of dollars through the receivership of the Niagara Grain and Feed

Ltd. elevator company because of the failure of the government's regulatory function. The government has yet to proclaim its amended Grain Elevator Storage Act, which would have provided added protection to producers, even though this legislation was given royal assent on June 21, 1983.

The Ministry of Agriculture and Food's horse and buggy inspection service, with one chief inspector and one part-time assistant to cover 280 elevators in Ontario, is clearly at fault and must be held accountable for any losses producers may have to bear. The inadequacies of the government's legislation were pointed out to them by the Liberal Party during the debate on the amended Grain Elevator Storage Act.

The Ontario government has failed to provide necessary production information to our producers because of the reorganization of the Ministry of Agriculture and Food and because of cutbacks in ministry agricultural representatives' responsibility. These cutbacks have been allowed in a ministry whose budget is already only one per cent of total budgetary expenditures.

If time permitted, I could go on with example after example of how this government has lost touch with the agricultural producers of this province. This government's hollow statements and mismanagement of this industry have been a disgrace. Farmers have no confidence in the leadership of this government, and so it stands to be condemned and, better still, defeated at the next election.

**Mr. Gillies:** Mr. Speaker, I do not know whether I am getting caught up in the spirit of the holiday season that is fast approaching. I simply cannot find it in myself this afternoon to make a highly partisan, critical or mean-spirited speech. In that vein, I want to open my brief contribution to this debate by complimenting the leader of the third party on his very articulate presentation of his motion and on the obvious sincerity he invested in the thoughts he presented. Having said that, I disagree with just about everything he said and will not be supporting the motion.

I should also note that we are delighted the member for Oshawa (Mr. Breaugh) has seen the light and crossed over to our side of the floor to lend his elfin presence to our benches for many a year.

**5 p.m.**

As I see it, the crux of the motion put by the leader of the third party is his contention that our government is failing to spend public money

prudently. I think all members would agree this is a very serious charge and deserves some in-depth examination.

I am aware, as I am sure other members are, that our government is by any objective standard one of the most efficient and leanest governments in this country. I would like to elaborate on that theme for a few moments. The per capita spending of the government of Ontario is lower now in real dollars than it was in 1975. We have the lowest per capita deficit of any government in Canada at the current time. We are also running an efficient government in the management of our own manpower.

We are all aware of the anguish and dislocation of society that is taking place in British Columbia as the government of that province goes about with a rather blunt axe approach to trimming its public service. If Premier Bennett were successful in trimming 25 per cent of his public servants from the rolls—and it is apparent now that he will not be—he would have approximately the same number of public servants per capita as we have in Ontario now. That is because over the last seven or eight years, through prudent management of public funds and government expenditures, we have been able to accomplish that without social dislocation or the upheaval that has occurred in that province.

I was talking earlier to my friend the member for Durham-York (Mr. Stevenson). We have examined in some depth the auditor's report that came before the House the other week. While the watchdog of the public purse has drawn to our attention a number of specific problems—that is his job and he has done it prudently—we have to look at the broad picture in terms of government expenditures and fiscal management.

The government of Ontario, with a budget of over \$20 billion, makes and approves over 10 million specific expenditures. In this province, 10 million different kinds of payments are made in the course of a year. If we add up all the problem areas, all the areas of concern on which the auditor has commented, we will find they account for far less than one per cent of those expenditures.

If any of us as individuals, as heads of families for those of us who are, or as heads of businesses for those of us who have run businesses, could run our businesses with a level of efficiency so that we had a concern about less than one per cent of our approved expenditures we would be in very good shape indeed. If a business, a farm



or any other endeavour in our province could run itself as efficiently and effectively as this government does, there would be fewer business failures than there are.

**Mr. J. A. Reed:** Are you counting Hydro in on this?

**Mr. Gillies:** I am going to talk a bit about Hydro and about the question of forest management that was raised in the motion put by the leader of the New Democratic Party. He has talked about the refusal, as he calls it, of the government to release information concerning the management of our forests. I think that is somewhat misleading. I understand any information requested by the parties is being provided if it is available.

**Mr. Rae:** Absolutely not.

**Mr. Gillies:** If it is available; the Ministry of Natural Resources compiles and tabulates only the statistics that have proven to be necessary and vital to the management of our forests.

**Mr. Rae:** Specifically not; they have refused. They specifically refused. You were misinformed.

**Mr. Gillies:** If the requested information does not fall into the long-established categories, then it is not readily available. The point my honourable friend opposite should take to heart is that just because information requested has not been compiled does not mean there is a refusal to offer it.

I suggest some of the information requested over the brief years I have been here would be extremely difficult to compile, that much of it would be redundant and unnecessary and that the very compiling of this information in some cases would be an abuse of public expenditures of the very kind we are supposedly debating in this motion.

**Mr. Rae:** If ignorance is bliss, you are going to have a very happy Christmas.

**The Deputy Speaker:** Order.

**Mr. Gillies:** The leader of the third party raises the question of ignorance. I know he has travelled in the north; I have done so a number of times in the last two years. I have talked to people involved in forest management, people with the companies, people who work in those forests, and the picture is simply not as bleak as he would paint it. I think an honest and objective examination of our husbandry of our forest resources, an industry that is linked directly to 75 per cent of the economic activity in northern Ontario, is needed.

I myself have seen many of the efforts being

made in forest regeneration. I have visited some of the pilot and research projects under way. I visited Lakehead University last summer to see some of the work that is being done with the development of seedling strains and, although this is slightly off the topic of forest management, to see the work that is being done about the project under way to improve our wild rice crop and to adjust the strains of wild rice to different conditions, different depths of water, different soil conditions and so on. Again, this will be of great benefit especially to the native people of northwestern Ontario.

During this fiscal year more than 122 million seedlings will be produced for planting next year in Ontario. The Ministry of Natural Resources already has 20 private growers under contract, and additional contracts are currently under negotiation. We have, of course, the Woodlands Improvement Act program, which is assisting more than 10,000 private land owners to develop woodlots on their own property, and the ministry's forestry workers are planting millions of trees in lands every year. Members are aware of the work that has been done by our current minister in the development of forest management agreements. These FMAs are a broad framework through which this work can be continued well into the 1990s and will stand us in very good stead.

I want to turn to Ontario Hydro, because two clauses of the motion under debate deal with it. Again, I do not want to cover the territory that was addressed by my friend the member for Lakeshore (Mr. Kolyn), but I think it is fair to say that no truthful contention can be made that Ontario Hydro has not been examined, re-examined and scrutinized by every type of forum, public and internal, that is available to the members of this House.

**Mr. J. A. Reed:** Wrong.

**Mr. Gillies:** Mountains of research have been done into the operations of this utility and it is, again by any objective measure, a good utility. It has a task to produce power for the consumption of our citizens and it is doing it.

Interjection.

**The Deputy Speaker:** The member for Halton-Burlington's time will come.

**Mr. Gillies:** I suggest to the member for Halton-Burlington that I listened with some interest to the contribution made by his members. I see that he strolled in late, presumably just to heckle the other speakers, and I would be the last person to criticize him for doing that.

We comment also in the leader of the third party's motion on nuclear power, a very sensitive issue indeed and a debate that has been going on for some years. Ten years ago, in 1973, Pickering A's last unit had just gone into service, Bruce A was under construction and Hydro was still looking into plans for up to nine more nuclear power stations in order to meet what was then expected to be a doubling and redoubling of the load requirements in the 1980s and 1990s.

**5:10 p.m.**

Inflation at that time, members will recall, was about 7.5 per cent, which was considered extremely high. Interest rates of about 6.5 per cent were certainly not in the range of the double-digit rates that we came to experience in the early 1980s, and crude oil at that time was the cheapest energy source at about \$4 a barrel. The Canadian dollar was about par with the American dollar at the time. In fact, as I recall, in about 1972 our dollar was worth 18 cents or so more than the American dollar and few of us not directly involved in the area had even heard of acid rain.

All of those scenarios have changed considerably in the last 10 years. Acid rain is one of the greatest problems, it is one of the biggest issues in public policy, not only in our country, but as we see increasingly demonstrated among the ordinary people of the United States.

There was a very interesting article in this morning's paper, which I am sure Mr. Speaker saw, about surveys that showed the people of the United States have far more concern about acid rain than is being demonstrated by the government of the United States. I would like to think the activities of our governments in Canada in bringing that message home to the people of the United States have had some effect.

In terms of the cost of energy, we cannot, as a province, continue to rely on fossil fuels for our power to the extent that we have in the past. We have to accept that nuclear power is now part of our power mix and will continue to be so of necessity. That is not to suggest for a moment that we must not press ahead in our development of wind-harness power, the development of biomass and other types of alternative liquid fuels and so on.

**Mr. J. A. Reed:** That is a lot of nonsense.

**The Deputy Speaker:** Order.

**Mr. Gillies:** It all must proceed. None the less, we are going to have to continue with our commitment to nuclear power. I would remind

members again that the development of the Candu reactor is one of our prime technological achievements as a country.

I have a document here—and I am sure my friend opposite will hoot—it is a publication of Ontario Hydro, but it is, none the less, objective. It objectively states the facts in terms of lifetime performance of reactors.

**Mr. J. A. Reed:** That is all the information the member will be allowed to read.

**Mr. Gillies:** I will tell my friend opposite, I can and will read anything that I want into the records of this House. He knows that is something he does and it is something we enjoy as members of this House.

**Mr. J. A. Reed:** Read the Petrosar contracts into the record of this House.

**Mr. Gillies:** Mr. Speaker, I am reminded by a farmer uncle of mine that an empty milk can makes a lot more noise than a full one.

However, this is a list of about 155 reactors on stream in the world, some of them Canadian, some of them West German, American, Swiss, French and Spanish. There are all kinds of reactors around the world, actually 153 of them.

The lifetime performance of all these reactors of over 500 milliwatts ranges from 86.8 per cent gross capacity factor all the way down to an efficiency of one rather unfortunate American reactor of 5.3 per cent performance. I think we can look with some pride at the fact the numbers one, two, four, five, six and seven reactors in the world, in terms of their efficiency and in terms of their performance, are Canadian Candu reactors. Number one is Bruce 3. Number two is Bruce 4. There is a West German reactor in third place and then we get into Pickering 2, Pickering 4, Bruce 1 and Pickering 1.

These reactors, by any objective yardstick, are doing their job. That is not to say that individual members of the House will not be able to do a bit of research and pick up on individual problems that any piece of technology will experience. But the figures speak for themselves; they are doing the job.

**Mr. Stokes:** I thought the government said the feds were not doing anything right.

**Mr. Gillies:** We would never say that. Most of what they do is wrong. I am tempted to read into the record, picking up on a theme of my friend the member for Brant-Oxford Norfolk (Mr. Nixon), Zena Cherry's column of last night's proceedings so all of those people—

**The Deputy Speaker:** It would not be in order, so the member can skip that.

**Mr. Gillies:** I will skip that—all of those people who will be looking for appointments when Brian Mulroney forms a government can be drawn to his attention, but I will not do that.

**The Deputy Speaker:** Back to the resolution.

**Mr. Gillies:** Back to the resolution, indeed, Mr. Speaker.

Recent calculations have shown that despite the higher first cost, the first, initial construction costs and the bringing-on-line cost of nuclear power plants, are indeed much higher than of a fossil-fuel plant. But within three years, those costs can be considered comparable because of the lower operating expenditures.

The nuclear power plant becomes a better and better bargain the longer it is on stream. The clincher is that the total cost of nuclear-generated electricity is 40 per cent cheaper than coal-generated power and will continue to be so.

In addition, we must not ignore other economic benefits that will result from the completion of Darlington. We have heard them all before: 27,000 man-hours of work, 600 jobs once the project is completed, an injection into our economy of \$15 billion. These are all factors we cannot ignore. They are very important to the people working in that industry and they are important to the people of Durham region who will be benefiting from the economic stimulus provided by this work. I see my friend the member for Durham East (Mr. Cureatz) is very cognizant of that.

**Mr. Cureatz:** Will the member for Oshawa (Mr. Breagh) not take the benefit Durham region will get from this?

**The Deputy Speaker:** Order. The member for Brantford will continue; he has the floor.

**Mr. Gillies:** My friend the member for Durham East quite rightly pointed out to the members of the third party the great benefit that Pickering will be to his riding and to his people. I simply could not interrupt him in bringing that very important point forward.

In conclusion, I want to say I think the resolution before us is faulty in a number of regards. It cites an inefficiency of expenditure and management which I think by any objective yardstick is not warranted. It finds lacking our programs in forest management, power development and in any number of areas of endeavour in which our government is active. That is not warranted.

I will say that the leader of the third party made his case very well, very articulately, but not, I would say, compellingly. I believe I speak for all the members of our caucus in saying I cannot accept or support the resolution.

**Mr. J. A. Reed:** Mr. Speaker, I apologize to the House for those outbursts during the previous speaker's comments but it becomes very difficult to contain oneself with the misinformation that is being delivered to the floor of this Legislature.

I just want to suggest to the member for Brantford that if he boasts to this Legislature he can deliver whatever information he chooses to the Legislature, I challenge him at this point to deliver the Petrosar contract to the floor of this Legislature. He cannot do it and he knows he cannot do it. He knows the Minister of Energy (Mr. Andrewes) has never seen it, nor did the minister's predecessor ever see it. The reason they have not is because Ontario Hydro will not let them see it. It has cost the taxpayers of Ontario over \$40 million for oil not taken to this point.

I suggest to the member for Brantford that if he wishes to become something of a proponent of all the virtues of Ontario Hydro and his government, he should get his facts straight before he starts talking this drivel on the floor of the Legislature.

The member for Lakeshore talked about the accountability of Ontario Hydro to the people of Ontario and he suggested that nobody wanted another committee, nobody wanted any more scrutiny of Ontario Hydro.

I would like to inform the member for Lakeshore, who obviously read whatever the speakers' service gave to him today, that the chairman of Ontario Hydro himself, who also happens to be the president of Ontario Hydro at present, wants a select committee of this Legislature to study Ontario Hydro. When the member suggests nobody who is responsible wants a committee to study Hydro in an ongoing way, I would suggest to him he should get his facts together and not rely on somebody else's writing. He should put the words together himself and do some of his own research. Then he would better understand what he is talking about. I do not say that with any disrespect to the member but I would suggest that there are elements of truth that really should be put on the floor here.

5:20 p.m.

Some comment has been made about the fact



that nuclear power will in time become cheaper than coal-fired power, that it is more expensive to bring on line early. However, the member conveniently forgot about the 7,000 or 8,000 megawatts of hydraulic power, much of which is competitive now and will be competitive in the future, which has the same kind of high capital cost as nuclear power but requires virtually no manpower to operate and has a life expectancy at least triple that of any nuclear plant.

When one is looking at the economics, it is fine to boast about the competent technology in nuclear power; nobody is arguing about that. However, when one wants to argue about reliability and economics, if the hydraulic component in the electric power system is not brought in, the backbone of Ontario Hydro is missed.

It is the backbone that continues to this day with all the nuclear power, with all the thermal power that has been built and with the stuff that has been mothballed. In terms of mothballing now, I see 6,916 megawatts of generating potential lying mothballed or unfinished in Ontario. The cost of mothballing alone has been \$1.167 billion.

I would suggest to any members that if they want to start debating Hydro, if they want to start to talk about nuclear power and the great electric power system of this province—and nobody denies it is a great electric power system—they should look at it in the context of the reality and what is here.

If they choose to look at it objectively, they will soon get a picture that it has to become, for the first time, accountable to the people of Ontario. The Power Corporation Act clearly puts the fiduciary responsibility of the directors in the hands of the directors and nowhere else. Any other corporation, any other corporate structure puts that responsibility out to the shareholders. That is where it has to go, crown corporation or not.

That is the reason we have brought private member's bill after private member's bill before this Legislature, trying to improve the Power Corporation Act, trying to improve the Energy Act which created the Ministry of Energy, to make this utility accountable to the people of Ontario. Surely when the budget of the province and the budget of Ontario Hydro are so inexorably linked, there has to be some avenue of accountability.

The minister knows as well as I do that if Ontario Hydro had to stand on its own and did not have the backing of Ontario, and had to

show all by itself a debt ratio of 0.84, which it has at the present time, its credit rating would not be anywhere near triple A.

The concepts that have been put into application and the reasoning that has gone into the excessive spending of this corporation have to be brought to account. We cannot continue the way we are spending on capital investment, on the one hand, and mothballing, on the other hand, and increasing our surplus by leaps and bounds. We are really making what is a great utility and what should be a great utility into an albatross.

We are creating a huge nuclear bubble, an economic bubble, if one likes. When these projects are completed and brought to account, where will the nuclear industry go? We built it all up too fast. We boast about the jobs it will create and so on. What happens when Darlington is completed, if it is? Hydro itself has said it has no plans for any further building of generating capacity in this century.

What happens to the Candu technology and the nuclear industry those people are so fond of touting as being so wonderful? It will become dispersed. The brains and the technical expertise will become dispersed through the rest of industry. What could be a useful technology, although extremely costly in this province, will be lost because of the force-feeding of it by Ontario Hydro, with the approval of the Premier of this province, who uses these projects at election time to trot out what he considers to be all things bright and beautiful.

It really is increasingly disgusting over a period of years. Everyone knows; the public knows. Here is a quote from an editorial in the *Toronto Star*: "Everyone knows that Hydro has to brought to account, even the chairman of Hydro." Yet the government is not willing to face that music. If there were no other statements in this motion of no confidence, that statement alone would be enough to bring an absence of confidence in this government. Surely to goodness we cannot go on and on facing what will be incredibly increased electric power costs as a result of this wasteful kind of practice.

Before I sit down, if I am allowed the time, I want to mention one other subject that is of concern to me as Natural Resources critic, and that is the area of forest regeneration. We can talk if we like about two trees being grown for one at present, although we do not have any figures on the liveability or on what actually gets in the ground.

Let us just understand that even now, with

forest management agreements, with the supposedly increased thrusts in what is happening, 150,000 acres a year are still going unregenerated. That is the shortfall that is being added to the shortfall every year. That brings up one more area. We know through a federal government study that one third of that nonregenerated area is not regenerated because of the waste, the biomass residue that is left on the surface. It used to be looked after by the process called a controlled burn, and we know how wasteful that can be.

There is an opportunity that lies there which should go on the record. It is an opportunity my party has talked about for at least seven years. That is the potential for the conversion of biomass to a fuel option for Ontario. With the phasing down of leaded gasoline, we know we have an economic opportunity.

Mr. Speaker, thank you very much. I am being mugged in the corridors of power by my own caucus.

**Mr. Speaker:** The member for Carleton (Mr. Mitchell).

**Mr. Samis:** What happened to the government? Oh, there is one of them.

**Mr. Wildman:** He is not a member of the government. He is a member of the party that supports the government.

**Mr. Mitchell:** It depends on your terminology.

**Mr. Wildman:** There has not been one member of the government, has there?

**Mr. Mitchell:** I will try to ignore the interjections, Mr. Speaker.

I am pleased to be able to be here to speak against today's motion of no confidence. I had to spend some time representing the minister during the Health estimates. I apologize I was not here for the previous speakers. However, I do welcome the chance to speak on today's motion. I think the negative, absolutist and destructive approach of the third party must be challenged. A good, hard look has to be taken at the opposition stance and tactics. The present government's actions and principles of governing must once again be spelled out in this House.

In my view, the most upsetting part of today's motion is the attack by the third party on the management by the government of the province's health care system and on the provision of care for the elderly. It upsets me that, to make its point, the opposition has been using tactics aimed at achieving an immediate emotional effect.

5:30 p.m.

Health and ageing are both aspects of our lives that make all of us, young and old, feel very vulnerable. The third party is exploiting this human vulnerability. They are holding our concerns about health and ageing hostage to achieve their own political ends. Such underhanded actions go far beyond playing the accepted opposition role of critic. Despite the fact the government record in health care needs no defending, let me review the facts briefly in order to remind the members of this House just what the government has done.

I do not need to tell the members, all of whom are users of the health care services, that we have one of the finest health care services in the world. In fact, we in Ontario have come to take for granted our efficient system of health care delivery which is available to all at very reasonable cost. No one in this—

**Mr. Sargent:** Lots of federal money, though.

**Mr. Mitchell:** Did I hear somebody from the back row over there? If the member for Grey-Bruce does not tell any lies about us, I will not tell the truth about him.

No one in this province has to sell his house or other assets to cover costs when serious illness strikes, as happens quite occasionally in an area not too many miles south of us. This excellent situation has evolved as a result of the prudent efforts of a series of provincial Progressive Conservative governments. Nor has the present government neglected its responsibility towards the health sector. Despite the recent recession, the Ministry of Health budget has increased by 58 per cent during the past three years, surpassing inflation by 22 per cent. Manpower in the medical profession has expanded by 10 per cent during a period when the population grew by only two per cent.

The third party announced this summer that it planned to focus attention this year on senior citizens and particularly on the health care of the aged. The leader of the party in a speech at the University of Windsor in the spring of last year commented: "We are a province that has institutionalized people far more than need be. We must put in place a rational delivery system of services for the elderly that requires co-ordination and a continuum of community-based services." The leader of the third party is rather slow on the uptake. My government has been involved in the planning of a continuum of community-based services for the past several years.

We should also remember that Ontario has a great number of institutions because, as a



prosperous province during the 1960s and 1970s, it responded to societal demands for more institutions. During the 1960s the government utilized a direct-response approach to social spending. When a problem was identified, the government acted. Old programs were refinanced and new ones were established.

Since those days societal and government attitudes have changed towards institutionalization. Deinstitutionalization is the new byword in social services. For example, expanding home care services for seniors is a major priority of the Ontario government. Last year a wholesale review of health care services for the elderly was launched. Responsibility for the elderly is being encouraged among community groups, health care professionals and families. Emphasis has been placed for some time on improving the availability of community resources to help people requiring assistance to remain in their own homes.

Regarding nursing homes, we have witnessed a concerted effort on the part of the government to enforce standards and ensure proper conditions for nursing home residents. As the members may recall, the Minister of Health (Mr. Norton) introduced amendments to nursing home regulations last June that significantly broadened government powers to act when the health, safety and welfare of residents might be in jeopardy.

Since July nursing home reports are available for public scrutiny. Residents' councils and nursing homes are also encouraged to prepare publicly available profiles of the nursing home. Further amendments to nursing home regulations are under way at present, including the protection of a resident's place in the home while he or she is in hospital. If my memory is correct, this will come into effect on January 1 and will extend what is currently 72 hours to 14 days.

New actions regarding inspection procedures and enforcement of nursing home regulations and standards are all being brought into play. The Ministry of Health is increasing the number of nursing home inspectors from 24 to 34 and appointing a full-time lawyer to work on prosecutions and review shortcomings in the nursing home industry.

The government is also providing funds to upgrade the training of inspectors. Public health inspectors who wish to complete the fourth year of their bachelor of applied arts degree at the Ryerson Polytechnical Institute will have two thirds of their salary paid for by the government.

The province will also assist persons in the Ontario public health units to take MA programs in management and administration.

The 1983-84 Ministry of Health estimates reaffirm the government's commitment to develop better home care programs for our seniors. For example, a new \$19-million program will provide nursing care to 10,000 elderly residents of Metro. This program will begin in March and provide services to chronically ill patients now in acute care beds in Toronto hospitals. Services will include nursing care, homemaking, speech and occupational therapy, all provided on a home visiting basis.

The government is also developing a better system of communications for seniors having to deal with a number of different government ministries, agencies and community service groups. We already have 12 placement co-ordination services operating in the province. Their mandate is to link those in need of long-term care with institutional facilities or with agencies providing community support services.

All of us have the same objectives, to ensure that appropriate, efficient, responsive and humane care is available to every senior in the province.

Surely it is no exaggeration to say that all of us—politicians, citizens, doctors, owners and personnel in nursing homes—want to see poor quality service eradicated and gougers of the system, to use the leader of the third party's words, eliminated.

Despite the efforts of the New Democratic Party to try to claim compassion and humanness as its own private domain, the record of the government in the health field makes it unnecessary to affirm our concern and our commitment to Ontario's infirm, disabled and elderly. As I said before, Ontario's health system is one of the best in the world. Our goal is to keep it as such.

We must remember that policymakers today, and even more so in the future, will have to make decisions in a world and society composed of a great many competing, strange and conflicting interests. We are becoming aware of the tremendous impact demographic changes will have on our social economic systems.

**Mr. Sargent:** Who wrote that speech?

**Mr. Mitchell:** Does the member want to look at my corrections? We are already witnessing the trend in which hospitals are becoming congested with the elderly and the chronically ill. It is clear to us that we must increase home and community care for the aged. It is also clear



that we must start to come to grips with the practical questions of how our society will bear the economic and social consequences of an increasingly large and socially dependent segment of the population.

What is difficult is reaching specific decisions about specific changes that must be made, changes that will affect the way we operate institutions and provide services. It is important that the various groups involved in the health care sector, including opposition parties, continue to talk frankly about the reservations they may have.

In the end, there probably is not any single model for health care. I suspect that in these changing times a pluralistic approach is needed. However, no one, not one of us, not the Ministry of Health, the Ontario Medical Association, hospitals, nurses or nursing home associations, not health economists nor other care providers involved in health services can ever pretend to be the sole repository of wisdom or understanding with respect to the system and changes that should be made.

5:40 p.m.

Because this is true, consensus-building is critically important. We need to have all groups co-operating in efforts to deal with these issues. We as the government have attempted to develop a pattern of broader consultation and participation. The Progressive Conservative government in Ontario has always tried to act constructively. We have always tried to bring together and build on the positive elements necessary to ensure a secure and prosperous future for our province and for an efficient and effective health care sector.

Unfortunately, this kind of constructive participation is not demonstrated by all members of the House. Members opposite criticize the government for not playing an active enough role in the social service maintenance of our province. We hear calls for more legislation to regulate this sector or more funds to create such an institution. Simultaneously, the government is accused of adopting a statist approach; for example, by investing public money unwisely in the public domain or by interfering with private property rights.

As far as I can see, the ideas of the opposition are no more than a set of expressionistic and self-destructive political gestures based either on a vague dislike for our present system or on equally vague notions about a better state of affairs.

When it comes to health care, the alarmist

tactics on the part of the members opposite disturb me. They upset people; they make people feel that our health care is in jeopardy. It is not, and surely no one believes it. What I hear the Premier and the Minister of Health (Mr. Norton) saying is: "Come on, people. In the boom period of the past two or three decades we built up an accessible and advanced health care system, but now we have to face reality. We can do it if all of us work together."

To preserve the high standard of health care in our province, we must find innovative ways to fund it and develop effective techniques to manage it. If that means getting some private money into it, so much the better. Society cannot pay for everything through the taxpayer. This does not mean, as the New Democratic Party would have us believe, that our public health sector is being eroded. We have in place a public health care system, and it will remain that way.

The government believes private enterprise has a place in the provision of health care services, but this place depends on performance. That is why what is happening today at Hawkesbury and District General Hospital is a subject of great interest for the government of Ontario as well as for health ministers across the country.

Interjections.

**Mr. Speaker:** Order.

**Mr. Mitchell:** I can shout louder than the members opposite.

I do not think I need to go over the facts leading up to the current management of the Hawkesbury hospital. The third party has spent much time and energy informing this House on the issue. What this House should know, and what the opposition downplays, is that a year ago the Hawkesbury hospital was \$350,000 in debt. Its buildings were ill equipped, lineups in the emergency department were long, morale was low and many patients preferred to drive to Ottawa.

**Mr. Speaker:** Order. The member's time has expired.

**Mr. Wrye:** Mr. Speaker, I rise to support my colleagues in voting in favour of the resolution, which condemns this government for its absolute lack of action. I was listening to the last speaker, the member for Carleton, who, now that he sits for a couple of hours in the Minister of Health's chair in estimates, thinks he is a member of the government.

He repeated again that this is a government of

concern. We have heard enough of their concern. We do not want a government of concern any longer. We want a government that is prepared to act and to act in a whole host of fields. Quite frankly, this government has abdicated its responsibilities virtually everywhere one looks and indeed has abdicated its responsibilities most of all in controlling the public purse.

Interjections.

**Mr. Speaker:** Order.

**Mr. Wrye:** It is interesting, we have a by-election tomorrow in the eastern reaches of the province; today, all through the Cornwall newspaper the government has discovered advertisements. It has discovered ads for the bicentennial. It has discovered ads for agriculture. All of a sudden, it is time to play up the great things the province is doing for the grateful taxpayers. I say to the government opposite—

**Hon. Mr. Leluk:** That is not in keeping with the spirit of the holiday season.

**Mr. Wrye:** We would like to get in the holiday spirit tomorrow night, I say to the Minister of Correctional Services.

This government prides itself on saying it is a government of restraint. The auditor's report proves once and for all that this is not a government of restraint except when it comes to the poor, the underprivileged and the powerless. It is a government that takes care of its privileged friends. That is the long and short of it.

We have seen this government at its worst this session in terms of the issues that are crucial to more than half the population of this province, the women of this province. Last October, this government and those members stood in their places along with members of this party and members of the third party and supported a resolution to enshrine in legislation equal pay for work of equal value. The government said it was concerned. Holier than thou, it stood up and said, "Of course, we favour that."

The Minister responsible for Women's Issues (Mr. Welch), the minister who carries that title but obviously carries no clout at the cabinet table, stood in his place and voted for it. Barely a month later, the legislative action came forward, and what a legislative action it was. It was no more and no less than a betrayal of the women of this province.

**Hon. Miss Stephenson:** What absolute, sheer idiocy.

**An hon. member:** Throw her out.

**Hon. Miss Stephenson:** Your hyperbole is just beyond belief.

**Mr. Wrye:** The Minister of Education (Miss Stephenson), who ought to know better, suggests this phoney improvement, this sideways progress, is going to help the women of this province. The minister knows otherwise. She knows job ghettos exist. She knows they will continue to exist under this so-called phoney composite test, which will do absolutely nothing. The government stands condemned, not for its concern, but in this case by its own actions.

The Minister of Labour (Mr. Ramsay) had the opportunity to take a major step forward for the women of this province. He failed to do that. His cabinet colleagues failed to give him support if he wished it. As a result, the women of the province will continue to be among the undervalued and underprivileged of our society.

I know the member for Brantford (Mr. Gillies) would want me to go on and on. There is so much waste; there is so much to talk about. This government stands condemned by the Provincial Auditor's report and the figures therein. The government stands condemned by its own actions and its own stonewalling.

**5:55 p.m.**

The House divided on Mr. Rae's motion, which was negated on the following vote:

#### **Ayes**

Allen, Bradley, Breaugh, Breithaupt, Bryden, Cassidy, Charlton, Conway, Cooke, Copps, Cunningham, Di Santo, Edighoffer, Elston, Epp, Foulds, Grande, Haggerty, Johnston, R. F., Laughren, Lupusella;

Mackenzie, Mancini, Martel, McClellan, McGuigan, Miller, G. I., Newman, Nixon, O'Neil, Peterson, Philip, Rae, Reed, J. A., Reid, T. P., Renwick, Riddell, Ruprecht, Ruston, Samis, Sargent, Spensieri, Stokes, Swart, Van Horne, Wildman, Wrye.

#### **Nays**

Andrewes, Ashe, Baetz, Barlow, Bennett, Bernier, Birch, Brandt, Cousens, Cureatz, Davis, Dean, Drea, Eaton, Elgie, Eves, Fish, Gillies, Gordon, Gregory, Grossman, Harris, Havrot, Hennessy, Hodgson, Johnson, J. M., Jones, Kells, Kennedy, Kerr, Kolyn, Lane, Leluk, MacQuarrie, McCague, McLean, McMurtry, McNeil, Mitchell;

Norton, Piché, Pollock, Pope, Ramsay, Robinson, Rotenberg, Runciman, Scrivener, Sheppard, Shymko, Snow, Stephenson, B. M., Sterling, Stevenson, K. R., Taylor, G. W.,

Taylor, J. A., Timbrell, Treleaven, Walker, Watson, Welch, Wells, Williams, Yakabuski.  
Ayes 47; nays 64.

#### BUSINESS OF THE HOUSE

**Hon. Mr. Wells:** Mr. Speaker, before moving the adjournment of the House, I would like to indicate the business of the House.

Starting tomorrow morning at 10 o'clock we will deal with Bill 140, Bill 149, Bill 150, Bill 151 and Bill 152; the House in committee of supply for supplementary estimates, Ministry of the Attorney General; followed by concurrences

for the Attorney General, Provincial Secretary for Justice, Solicitor General and Correctional Services.

In the afternoon, the Treasurer (Mr. Grossman) in ministerial statements will be making an economic statement. Following the routine proceedings, we will deal with third readings on the order paper, followed by the adjourned debate on Bill 142, the Barrie-Vespra Annexation Act. Then, if any time remains, the business will be announced in the afternoon for tomorrow evening.

The House adjourned at 6 p.m.



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 McClellan, R. A. (Bellwoods NDP)  
 McMurtry, Hon. R. R., Attorney General (Eglinton PC)  
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 Minister of Energy (Brock PC)  
 Wells, Hon. T. L., Minister of Intergovernmental Affairs (Scarborough North PC)  
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# **Hansard**

## **Official Report of Debates**

### Legislative Assembly of Ontario

**Third Session, 32nd Parliament**

Thursday, December 15, 1983

Morning Sitting

Speaker: Honourable John M. Turner

Clerk: Roderick Lewis, QC



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# LEGISLATIVE ASSEMBLY OF ONTARIO

Thursday, December 15, 1983

The House met at 10:02 a.m.

Prayers.

**Mr. Nixon:** Mr. Speaker, it might help if the government House leader (Mr. Wells) were to remind his colleagues that we do not have prayers at two o'clock and that we dive right into the important business of the day. I think that is what kind of messed things up yesterday.

**Mr. Speaker:** Was there some doubt?

**Hon. Mr. Wells:** Mr. Speaker, I thought it might have been nice if we just sat through lunch, but we decided it was better to have an hour's respite from the heavy duties here. We will certainly be sure everyone is here at 2 p.m.

## PROVINCIAL OFFENCES STATUTE LAW AMENDMENT ACT

Hon. Mr. McMurtry moved second reading of Bill 140, An Act to amend certain Statutes relating to the Commission of Offences by Young Persons.

**Mr. Speaker:** Do you have a statement?

**Hon. Mr. McMurtry:** I have no opening statement other than what I said when I introduced the legislation, Mr. Speaker.

**Mr. Breithaupt:** Mr. Speaker, we certainly will support Bill 140 on second reading.

As the Attorney General (Mr. McMurtry) explained when he introduced the bill, it is necessary to have certain legislation that will attend to those charged under provincial offences at the same time as the new Young Offenders Act will apply to those persons who are charged under both the Criminal Code and other federal statutes.

The act before us today is going to apply to young persons as modifications to the Provincial Offences Act for those who have been alleged to have committed provincial offences; but, of course, the trials will be held by judges of the provincial court, family division, and of the unified family court.

It is interesting to note in the discussion paper sent around by the Attorney General that the numbers of people involved in these kinds of

matters are fortunately quite small by proportion. The examples he has given of careless driving, driving a motor-assisted bicycle under the age of 14, trespass and certain liquor offences are the kinds of events which, unfortunately, a number of our young people do get involved with from time to time.

It was of interest to me that in the past several years, in 1980 particularly, there were almost 600,000 people in that 12 to 15 age group. In fact, the figure provided was 581,500. On the other side of the coin, some 2,600 charges were laid for various provincial statute violations, or one charge for every 223 people. One third of those charges, it so happened, were dismissed.

More than eight times as many charges, some 20,000, are laid in Ontario annually under the Criminal Code and other federal statutes. As a result, we are dealing with only one tenth the volume of these matters and similarly, I suppose by proportion in terms of the number of charges dismissed, a population that is fortunately very small in these matters.

I realize this statute and several of the others we will deal with today are required because of certain technical changes and the implementation of the new federal legislation. We accept the proposals that have been made by the Attorney General to bring all of these matters into one pattern before the new Young Offenders Act is in place.

As I have said, we will support the bill on second reading.

**Mr. Renwick:** Mr. Speaker, we will support the bill. However, I want to express a concern we have in this caucus with regard to what appears to be an unco-ordinated, haphazard and piecemeal introduction of legislation related to the Young Offenders Act.

The impetus to the government to take any action to prepare the province for the transition to the Young Offenders Act seems to be totally lacking. Control is exercised entirely by the whim of the Solicitor General of Canada as to which day he wants to proclaim the act. We are being asked, in the dying days of this session, to deal with Bill 140 and two other bills later on this

morning simply because the Solicitor General of Canada has said the Young Offenders Act will come into force on April 1, 1984.

I would be interested in knowing what response the ministry received to the discussion draft circulated in August 1983. I would like to know who responded and to what extent there was an attempt to get some ongoing consultation among those concerned about the substance of the bill before us.

I would like also to ask the Attorney General what his intentions are with respect to the effect of the legislation when the 16- and 17-year-old persons come under the Young Offenders Act a year later, on April 1, 1985.

It seems to me there has to be some information available from the Attorney General as to the impact on the provincial courts, family division, and the courts that are going to deal with the young offenders for offences under provincial statutes. We must know that the capacity of those courts—we will be designating them as youth courts later this morning—will be able to cope with the additional influx of persons into their jurisdiction.

After those cursory remarks on this topic, our caucus will support the bill. We have no other alternative. Perhaps the Attorney General would care to comment about some co-ordination of the impact of this legislation on the court system when those 16 and 17-year-olds will come under the provisions of this new part of the Provincial Offences Act.

10:10 a.m.

**Hon. Mr. McMurtry:** Mr. Speaker, I share some of the concerns expressed by the member for Riverdale (Mr. Renwick). I think it is unfortunate that it is necessary to introduce this bill in the dying moments of this session, as he puts it, because given the lack of meaningful consultation that was taking place between the federal Solicitor General and the provinces, we had reason to believe that the April 1, 1984, date was an unrealistic date.

Given the commitments in relation to adequate funding that had been made some time ago when this young offenders legislation was introduced and the fact that these commitments simply have been largely ignored, we were rather surprised when the federal Solicitor General stated they were not going to budge from the April 1, 1984, date so far as young offenders up to the age of 16 are concerned.

In any event, our discussion draft, several

hundred copies of which were distributed in August, seems to be have been quite favourably received. We have had a number of favourable replies. I do not recall any specific opposition to the draft.

As the honourable member points out, the April 1, 1985, date does present some interesting challenges with respect to the designation of the youth court for the 16- and 17-year-olds. It is fair to say, and I think I stated this in my statement on introduction of Bill 140, that no decision has been made with respect to which court is going to be designated as the youth court for 16- and 17-year-olds. There may be some expectation that the family court will be designated as a youth court for 16- and 17-year-olds, but I have to state frankly that no decision has been made in relation to that designation. Obviously, if the family court were to be designated, this would represent a very significant increase in the work load; an increase that would come directly from the provincial court, criminal division.

I expect to be discussing this issue in some detail with my Justice critics during the spring as we wrestle with the decision as to what should be the proper designation as of April 1, 1985. This legislation really is interim or bridging legislation pending the decision that has to be made and legislation to be introduced prior to April 1, 1985. I will once again welcome the views and advice of my Justice critics with respect to this important decision that has to be made in the relatively near future.

Motion agreed to.

Bill ordered for third reading.

#### PROVINCIAL COURTS AMENDMENT ACT

Hon. Mr. McMurtry moved second reading of Bill 149, An Act to amend the Provincial Courts Act.

**Mr. Speaker:** Do you have a statement?

**Hon. Mr. McMurtry:** No, Mr. Speaker. I have nothing to add to the statement I made when I introduced the bill.

**Mr. Breithaupt:** Mr. Speaker, I presume once again the Attorney General will not have a statement in that he did give us the explanation of these particular matters on the introduction of not only Bill 149 but also Bill 150. These two bills make the designation with respect to the youth courts, as has been explained by the Attorney General.

I acknowledge that this is, in effect, a form of



bridging legislation that is going to deal with these matters immediately and that this will be reviewed before April 1, 1985. We will support this bill; and I do not think there is any requirement to make any remarks on Bill 150, we will also support that in principle.

**Mr. Renwick:** Mr. Speaker, my comments will also deal with both Bill 149 and Bill 150, because they are substantially for the same purpose, and it is only because we have the unified family court operating in one area of the province on a transitional basis to a more permanent extension of that system that we have the two bills before us today.

The concern I intimated when we were speaking on Bill 140 a few minutes ago is uppermost in my mind. I can well understand that this interim arrangement has to be made. However, I am concerned that I did not have any indication that I can recall from the Attorney General about what the thinking is and what process the ministry is going through to come to some conclusion, a year from now or in the spring or the fall of the coming year, so that we will be prepared to deal wholeheartedly with the different philosophy embodied in the Young Offenders Act as it relates to not only the provincial offences which we dealt with a few minutes ago but also the offences under the Criminal Code which will be tried in the youth courts under the Young Offenders Act.

I draw to the attention of the Attorney General, in case he had not noted it, that I had asked during consideration of the estimates of the Ministry of Correctional Services, for some information about the numbers of 16- and 17-year-old persons entering into the system. Dr. Birkenmayer provided the committee at that time with the admission statements. The particular data he supplied to us showed that 3,292 16-year-old males and 4,506 17-year-old males entered into the system in the fiscal year 1982-83. A significantly smaller number of females entered into the system.

My point is that the provincial courts, family division, and the unified family court are already burdened with a significant case load. Now we are saying that on an interim basis those persons who are now 16 or 17 years old, who were dealt with under the Juvenile Offenders Act, are going to be dealt with a year from now under the Young Offenders Act. We have no knowledge on this side of the House about the concept of the youth court.

10:20 a.m.

Again, with reluctance, our caucus is going to support these two bills. We see no need for them to go to committee, but we would like to have some sense of participation in the ultimate decisions of the ministry with respect to the nature, the structure, the location, the staffing and other matters related to the youth courts. Are they going to be definitively separate and distinct from the other courts so that the philosophy behind the Young Offenders Act will have some hope of being implemented in this province?

**Hon. Mr. McMurtry:** Mr. Speaker, with the new young offenders legislation coming into effect in Ontario as of April 1, 1984, with respect to young offenders up to the age of 16, we expect the experience we will witness during the spring, for example, will be of some assistance in relation to determining what would be the appropriate designation so far as the 16-year-olds and 17-year-olds are concerned.

As I indicated earlier, if it were to be the provincial court family division, the additional resources would be quite significant, but we are hoping, even with the relatively brief experience over the spring and up until next fall, when we will be introducing legislation in relation to the designation for the 16-year-olds and 17-year-olds, this will give us some experience in dealing with the philosophical issues that have been raised.

We certainly expect to be consulting very closely with members of the provincial court judiciary before any decision is made. We also expect to be consulting with interested members of the profession and the public. I will do my best to apprise the opposition critics and other interested members, of the steps that will be taken in this regard. As I said a few moments ago, I will welcome their views as we work towards the decision that will be made relatively early next fall I hope, but certainly not as late as the introduction of this transition legislation for the April 1, 1984, date.

I thank the opposition members for their co-operation and assistance in expediting the passage of this legislation which is absolutely essential, given the April 1, 1984, date.

Motion agreed to.

Bill ordered for third reading.

#### UNIFIED FAMILY COURT AMENDMENT ACT

Hon. Mr. McMurtry moved second reading

of Bill 150, An Act to amend the Unified Family Court Act.

Motion agreed to.

Bill ordered for third reading.

### PROVINCIAL OFFENCES AMENDMENT ACT

Hon. Mr. McMurtry moved second reading of Bill 151, An Act to amend the Provincial Offences Act.

**Mr. Breithaupt:** Does the Attorney General wish to make a brief comment on the bill. I do not think it will require any further debate on second reading.

**Hon. Mr. McMurtry:** I made my opening statement on Bill 151 on Friday last when I introduced it and I attempted to explain in some detail the reasons for this legislation. I do not have anything to add to that statement.

**Mr. Breithaupt:** We have read with interest the whole problems of the legality of parking fines after a ruling was made by Judge H. W. Allen. The legislation before us follows from the explanation the Attorney General brought on the introduction of the bill.

It is worth while, at least briefly, to refer to the explanatory notes so that anyone reading our comments will understand what we are talking about. As the explanatory note advises: "The amendment clarifies the intention that the Summary Convictions Act is to continue to apply in respect of parking infractions until part II of the Provincial Offences Act is proclaimed in force. The amendment would not affect appeals on the questions that are already under way or appeals from past decisions in which the question was raised. Otherwise, the amendment is backdated to the date when the Revised Statutes of Ontario, 1980, came into force."

It is clear that certain protections are available for those who have noted this problem and this does not in any way affect those matters that are already before the courts. Accordingly, we will support the bill on second reading.

**Mr. Renwick:** Mr. Speaker, I was just saying to my colleague the member for Bellwoods (Mr. McClellan) how efficiently everything goes when one leaves it to the lawyers on a Thursday morning.

**Mr. McClellan:** I expressed my profound alarm.

**Mr. Nixon:** The bill goes quickly and the people suffer.

**Mr. Renwick:** I have a certain ambivalence about the bill. I am afraid my colleagues in the

caucus want to support the bill and do not see there is any need to debate second reading. I have some solace in that. There are always some of us who have a momentary sense of exhilaration when somebody beats city hall or breaks the bank at Monte Carlo.

We had that sensation when the victor in a case was Malcolm Ruby, the 27-year-old law student at Queen's University who turned a \$10-parking ticket into a test of his skills in legal research and argument. He ended up with the support of Judge Allen. There would be something to say about throwing the province into a state of confusion about parking tickets that could perhaps be resolved by the Supreme Court of Canada, but saner views in the caucus overwhelmed me.

Therefore, I am simply going to succumb and say this glaring error on the part of the Ministry of the Attorney General, which he is correcting in the last days of the session and making retroactive in order to defeat Mr. Ruby's case, although it will not affect Mr. Ruby himself—

**Hon. Mr. McMurtry:** It will not affect his case or any other cases before the courts.

**Mr. Renwick:** I see. Perhaps if the Attorney General has any private knowledge of it, he could tell us whether this Malcolm Ruby is related to Clayton Ruby and had the benefit of Clayton Ruby's assistance in defeating the Attorney General in the courts on this issue?

**Mr. Roy:** Mr. Speaker, I have not had the benefit of reading the comments made by the Attorney General last Friday. Of course, he made it on a day when he knows full well—I am usually a week behind in catching up and I have not had the opportunity of reading Hansard of that date. However, I suspect our party's critic has explained what this legislation is all about.

**Mr. McClellan:** Is there a discount for lawyer's services when they do not read the bill?

**Mr. Roy:** In going along with the rest of my colleagues in supporting the legislation, I do so with a certain amount of caution. Like the member for Riverdale, I think one must observe it with a degree of enthusiasm when one sees a young man who does his research, goes to court and is successful.

I might explain why I have this sort of exhilaration from a personal point of view. When I was a law student, in the first case I had occasion to plead before the civil courts, the darned thing was supposed to take an hour and it ended up taking three days. There was a senior counsel on the other side and the trial



judge—without being too offensive, we used to call him Rocket Richard and not because he was fast—ruled against me.

**10:30 a.m.**

I thought this was terrible. I went back, and after getting an admonition from the senior partner for taking three days on a \$250 case, I convinced him we should go to appeal. We did so, and at that time the appeal judge was Mr. Justice Laskin. He reversed the trial judge and we won on appeal. So I had some satisfaction in going back to Judge Rocket Richard and saying, "Did you know that case was reversed on appeal?"

Understandably, when one is a student and gets that type of success, one is inclined to get a swelled head. Things have changed since that time and we have become much more modest.

When I look at this legislation, I agree it should certainly not affect any cases that are now on appeal or before the courts. But is the Attorney General not coming close to challenging some of the provisions of the charter by enacting legislation now that will apply to traffic tickets that have been processed or given out before the passage of this legislation? Will this legislation not do that?

I do not have the charter in front of me, but I recall one section prevents an individual from incurring any penalties as a result of an offence which took place when the legislation was not existing. When one challenge has been successful, I wonder whether somebody else might not be encouraged to try it. In view of that section of the charter, is the Attorney General satisfied he is not going to run into problems with this legislation?

Now that we have the charter, one must be cautious with any retroactive legislation. I do not have the benefit of the minister's comments and I do not have the charter in front of me, but I am sure the law officers of the crown have reviewed that situation and are satisfied. They must have some confidence that this legislation will not be challenged under that section of the charter.

**Mr. Speaker:** Does any other member wish to participate in this debate?

**Hon. Mr. McMurtry:** Mr. Speaker, I certainly congratulate the law student for his ingenuity and his determination to fight city hall, as the member for Riverdale (Mr. Renwick) calls it. I do not necessarily wish him well on the appeal of his case, and I must admit I cannot enlighten

my colleagues as to whether or not he is related to our colleague Mr. Clayton Ruby.

As it is the Christmas season, I will refrain from suggesting to the member for Ottawa East (Mr. Roy) that his enthusiasm is in any way related to his traditional affection for anarchism of one kind or another. I can assure him that this legislation does not offend the charter. We are not talking about a matter of substance nor about a change of penalty. We are talking about legislation introduced to clarify the intention of the Legislature as expressed by its members some time ago. It was unfortunate that the clear expression of intention, at least for the moment, seems to have produced some ambiguity.

Some ambiguity seems to have followed the clear expression of the Legislature when the drafting commenced and, in my view, in the public interest it requires an amendment to clarify the intention of the Legislature. I am confident such legislation would in no way offend the charter.

Motion agreed to.

Bill ordered for third reading.

#### PROCEEDINGS AGAINST THE CROWN AMENDMENT ACT

Hon. Mr. McMurtry moved second reading of Bill 152, An Act to amend the Proceedings Against the Crown Act.

**Mr. Breithaupt:** Mr. Speaker, on the introduction of the bill, the minister explained quite succinctly just what it is to accomplish. I am prepared to recommend, and have to my colleagues, that it be supported on second reading because this will give crown employees the same protection of the Wages Act which is currently enjoyed by other employees. We will support the bill.

**Mr. Renwick:** Mr. Speaker, we will support the bill and I certainly do not see any need for it to go to committee. I am interested in this instance as to what motivated the Attorney General to bring this bill in at this particular time. After all, the report of the Ontario Law Reform Commission—I think it is volume 2 of a five-volume report—was published in 1980, if my memory serves me, recommending specifically this kind of amendment. I am not quite certain what the processes are within the ministry that would indicate it should take so long to bring this bill into the assembly and, secondly, that we would see it in the dying days of this session.

It is totally consistent with the recommenda-



tions, as I understand it, and perhaps the Attorney General would confirm that statement to me, and totally consistent with the logic, the jurisprudence, the thinking and the conclusions set forth in the law reform commission report in part 2 on the enforcement of judgement debts and related matters, which has been available to members of the assembly for some considerable period of time.

In brief, I do not believe that anybody in this day and age can do other than agree with the basic proposition that the rights of garnishment and the correlative obligations of those who must respond to garnishee orders should be the same for everyone in the province and that there should not be a different set of rules or a different set of principles or a different set of discretions available for crown employees or for the crown itself.

If one accepts the principle, as far as employees are concerned, that wages should be garnished up to the limit that we provided recently in the Wages Act amendment which was before the House of up to, I think, 20 per cent in nonfamily matters and up to 50 per cent in family matters, then I do not see how anyone can quarrel with the bill or do other than support it on second reading. We do not see any need for the bill to go to committee.

**Mr. Roy:** Just briefly, Mr. Speaker, I think in 1983 in Ontario such legislation is not only practical, but certainly necessary. It follows what has happened as well at the federal level where crown employees have become subject to garnishment and so on. I think it is right as well that when goods and services have been supplied by the crown that there be some measure of garnishment at least for that limited process.

At the federal level they encountered a particular problem, and the Speaker would be interested in this, where the crown employees were considered to be subject to garnishment and so on, but then there was apparently a lapse somewhere in the legislation whereby the employees of the House of Commons were deemed to be not subject to that legislation. It required some further amendment in the federal legislation to bring them in.

I do not know whether that sort of a problem exists here. I do not have the definitions here, but I suspect when the bill refers to crown employees it must refer even to the employees of the Speaker's administration, the Legislative Assembly, and that when we are talking about crown employees there are no exceptions to

this; it involves people working here. Also, does it affect people working for Ontario Hydro and other crown corporations?

**10:40 a.m.**

**Hon. Mr. McMurtry:** Mr. Speaker, this legislation does reflect the recommendations of the law reform commission. The member for Riverdale is quite correct in suggesting this legislation might have been introduced earlier. I think our recent amendments to the Wages Act have helped to move this legislation along because it is perhaps somewhat overdue.

Also, this legislation does apply to employees of crown corporations as well.

Motion agreed to.

Ordered for third reading.

House in committee of supply.

#### SUPPLEMENTARY ESTIMATES, MINISTRY OF THE ATTORNEY GENERAL

On vote 1401, law officer of the crown program; item 5, royal commissions; and vote 1402, administrative services program; item 1, main office:

**Mr. Breithaupt:** Mr. Chairman, the supplementary estimates probably could be attended to fairly quickly if under each of these items the Attorney General would simply give us an explanation as to the requirement for the increase of funds. Then I would think we could deal with that in fairly short order.

**The Deputy Chairman:** Would the Attorney General care to respond to that request? Or is he able to?

**Hon. Mr. McMurtry:** I am not able to respond at the moment, Mr. Chairman, because I do not have a copy of the supplementary estimates. As I understand it, they are all related to legal aid.

This additional funding is necessary to curtail the delay in paying the certificate lawyers, which could increase from 10 weeks to as much as 30 weeks. In our view, 10 weeks is already too long.

Despite the lack of affection that is occasionally demonstrated by some members of the House for lawyers, I would think we would all have to agree the current 10-week delay period is already too high when compared with the five-week delay, for example, for doctors under the Ontario health insurance plan. Obviously, ongoing delays and any increase in delays could only serve to discourage lawyers from participating in the certificate program.

There is already some degree of unhappiness about the current level of remuneration provided under the legal aid tariff, which in our view is too low. We hope to see an increase in the tariff in the not too distant future.

I believe also included in the supplementary estimates is some funding in relation to the royal commission inquiring into the deaths at the Hospital for Sick Children.

**Mr. Breithaupt:** Perhaps we could deal with that latter item first. Under vote 1401, item 5, there is an increase of \$2,730,700. The expenditure of this amount is entirely a commitment to the Sick Children's inquiry; is that correct? Or are there other items as well as that inquiry; is some of this amount for the requirements of other royal commissions' expenses?

**Hon. Mr. McMurtry:** This is entirely for the Grange commission.

**Mr. Breithaupt:** Then perhaps the Attorney General could advise us as to whether he expects this amount before us will be sufficient to cover the entire cost of that commission; or is this an educated guess at the moment as to what further requirements will be before us at least within this fiscal year?

Perhaps we could take a moment while the Attorney General's assistants come forward.

**Hon. Mr. McMurtry:** It is very difficult to predict what the future costs will be. I am advised this amount should represent what is required for this fiscal year. We cannot predict just how long the commission as a whole will take, given the complexity of the issues that are before it.

**Mr. Breithaupt:** Once the commission has completed its work will it be the intention to provide a summary of its total costs and a division into the various categories of fees and disbursements so we will have some general financial overview as to how these funds have been disbursed?

**Hon. Mr. McMurtry:** Yes, certainly; all of this information will be made available to the assembly. Given the nature and the scope of this commission, the administrator who has been assigned is monitoring all the expenditures.

I know the royal commissioner himself, Mr. Justice Grange, has expressed concern to avoid unnecessary expenditures, particularly given the number of lawyers who are being funded by the commission. I think it is a matter he has directed some attention to right from the begin-

ning. Certainly the assembly will have all the particulars at the appropriate time.

10:50 a.m.

**Mr. Renwick:** Mr. Chairman, I have a brief comment on the additional amount provided for the legal aid plan, a \$16-million additional supplementary estimate, which I recognize is needed to support the plan.

My concern in voting for this item relates to disturbing information I have that a very substantial number of lawyers' accounts are being processed without having been subjected to any accounting review. I understand a directive went out from the legal accounts officers at the governing body to those responsible for the disbursement of funds under the legal aid plan that they were to clear these accounts. They were purporting to act in accordance with a regulation, which is subject to very critical explanation.

I understand they were told there was no need, up to a certain amount in these bills, that they be processed in the ordinary way of checking the items in those accounts. I was told they were assuring the Law Society of Upper Canada, and through the law society the Attorney General and the public of Ontario, that there are no accounts being paid which have not been subject to audit scrutiny.

I am glad the minister's advisers are at the table with him, because I believe members of his staff were involved in the process, along with the deputy treasurer of the law society. Whatever the motive may be and however good the motive of clearing a backlog of accounts below a certain figure, there has been no scrutiny of those accounts and no regular audit. Instructions were given that those accounts were to be processed very quickly and paid as quickly as possible. Some form of honour system was instituted so that they did not need the kind of careful scrutiny which would be essential.

Regardless of the motives, I do not know whether that plan has been changed, I am not privy to those meetings; but I know for a fact that a significant number of accounts were processed by directive to the accounts officers under the legal aid plan without proper audit scrutiny.

I would like the Attorney General's comments on my remarks before we proceed to vote this additional supplementary estimate.

**Mr. Roy:** Mr. Chairman, I would like to follow up on that question from my colleague.

I, too, have watched the process of that



commission and noted the early concerns by Mr. Justice Grange about the number of lawyers who would have their accounts paid out of the public purse. Certainly, we understand why that should be, if all parties are going to be adequately represented.

What is the per diem or hourly rate for lawyers acting on behalf of various groups? Does it vary depending on the experience of counsel? Has Mr. Justice Grange established a range and has he established any limits as to the number of hours per day or week by counsel?

I can recall some discussion about that. The reason many of us have some concern is that when one gets involved in a commission as complex and as serious as this one, the meter can run for a good long time. I do not want to be harsh towards my colleagues at the bar, but the fact remains that if one gets a good number of them, as there certainly is on a commission such as this one, it can become pretty expensive.

So, to follow up on the question from my colleague, I would like to know what they are being paid, per hour or per diem.

**Hon. Mr. McMurtry:** Dealing first with the concerns expressed by the member for Riverdale, one of our concerns in relation to our responsibilities to protect the public purse is to encourage the Law Society of Upper Canada to continue to take a very close look at the administration of the plan, because its administration does represent a fairly significant percentage of the overall cost of the plan.

The firm of Laventhol and Horwath did a very extensive study of the plan's administration, particularly with respect to its accounting aspects and the payment of accounts. While I cannot give the members all the details of their recommendations, I know that one of the firm's recommendations was in relation to expediting the payment of what it referred to as routine accounts—I believe it was those under \$900—to save money.

I cannot tell the member precisely about all the checks and safeguards that are still in place, but if my information is correct it is not a question of automatically paying all these amounts without any scrutiny whatsoever. It was Laventhol and Horwath's view that the method of monitoring these accounts was inefficient and costly to the plan.

In any event, the members should know that the law society and our ministry have asked the Provincial Auditor to look at the system that is in place now, including the expediting of the accounts under \$900, to be satisfied that the

taxpayers of this province are being reasonably well served by the existing mechanisms. I will be very happy to share with the member for Riverdale and other members the auditor's comments in relation to this matter.

So far as the Grange commission is concerned, I know that it was agreed, in consultation with the counsel for the Grange commission, that certain hourly rates would be paid certain counsel. I believe there was to be some limit on the number of hours that could be charged by counsel, but this may have varied depending on which counsel were involved.

For example, counsel for one of the nursing teams obviously have a more major role to play than perhaps counsel who are representing a particular group of parents, given the divergence of interest and involvement in the proceedings. In other words, some counsel, by reason of the interest they represent, have to be more involved in all the details of the inquiry than other counsel who may be there in relation to the cause of death with respect to a particular infant.

I know there was some displeasure expressed by counsel in relation to some of the limits. One of these counsel obviously shared his concerns with a Globe and Mail reporter, and we can recall a news report reflecting his displeasure with the amount that had been allowed him; I believe it was \$130 an hour. Mr. Justice Grange expressed considerable displeasure with counsel discussing issues that he said had been discussed privately and in confidence. But that is not to suggest the hourly rates will not be made public.

**11 a.m.**

I must admit, and I take this occasion to say it, that I was somewhat shocked to read the concerns of this particular counsel because, as I worked it out, it would mean he would be restricted to a mere \$7,200 a week or something of that extent. It is that type of comment that I think does not enhance the reputation of the legal profession in this province.

**Mr. Nixon:** Are you going to answer your question?

**Hon. Mr. McMurtry:** I thought I did. I will attempt to provide additional details as to the range of what the hourly amounts are. I believe, as I said a few moments ago, the number of hours per week varies from counsel to counsel.



It may be that we can get more specific information for the member.

**Mr. Nixon:** Does that mean you will?

**Hon. Mr. McMurtry:** Yes.

**Mr. Breithaupt:** It certainly appears in that regard that the modest payment of \$800 a day for a certain royal commission chairman is really quite a matter of restraint in these circumstances. I have nothing further to state on this first particular item. I did have some remarks I would like to make on the legal aid matter following some of the themes my friends have raised.

**The Deputy Chairman:** Go right ahead.

**Mr. Breithaupt:** Whatever you wish to do.

**The Deputy Chairman:** You have the floor. Go ahead.

**Mr. Breithaupt:** All right, Mr. Chairman. I want to comment just briefly on the legal aid matter.

**Mr. Renwick:** May I just finish a comment on the royal commission?

**Mr. Breithaupt:** Yes, certainly.

**The Deputy Chairman:** I thought the member for Riverdale (Mr. Renwick) was finished. Go ahead.

**Mr. Renwick:** I have two comments on the royal commission. I think when the Grange commission is completed it would be a very useful time to have the auditor look at the process of accounting for royal commissions. The commissioner himself in many cases is not a person skilled in the area of controlling costs. I am not certain how the process is working. I for one have complete confidence in Mr. Justice Grange and I do not in any way want to suggest that the moneys spent are not necessary because of the seriousness of the concern which has been expressed about the whole matter which is before him.

Going back to the time of the royal commission on violence in television, the Judy LaMarsh royal commission and the expenditures at that time, I do not believe there is anything in existence in the Manual of Administration or any other manual that I know of related to the process that would automatically apply with whatever changes are necessary from time to time in the total accounting for royal commissions.

My only other question is, can the Attorney General give us any indication when the report of the royal commission on asbestos is likely to be forthcoming? It is now a long time since it was originally appointed. I keep hearing the

report will be available, but it has not yet seen the light of day.

**Hon. Mr. McMurtry:** I think the Manual of Administration does contain some guidelines in relation to royal commissions, but in any event, we are quite happy to accept the suggestion of the member for Riverdale that the Provincial Auditor be invited to look at the Grange commission when the matter is concluded in order to ensure whether or not these guidelines can be improved upon and to look into the process as suggested.

The royal commission report on asbestos, to the best of our current knowledge, should be available in February.

**Mr. Roy:** Mr. Chairman, I look forward to receiving that information about the hourly rate for counsel and the number of hours or restrictions, but I would like to know something else about how the process works. As I understand the minister's answer, there are varying rates per hour for counsel representing different groups. Is the amount paid to counsel as a result of some agreement by the government the total amount counsel is going to be paid? In other words, can counsel get part of his fee paid by the public purse and part of it by a client he represents?

Is that a process like legal aid? In legal aid the whole fee is paid by legal aid and none by the individual client. Could the Attorney General advise if that is the setup? Or is there some agreement counsel can make to receive an amount through the commission from the public purse and then make some private arrangement with the group he represents to be paid a further amount?

**Hon. Mr. McMurtry:** First of all, I should make it clear that none of this money for the Grange commission is paid through the legal aid plan. The counsel for Mr. Justice Grange, in effect, negotiated with counsel appropriate amounts, and this has been a very arduous process. I know counsel in our ministry made it very clear we were simply not prepared to go beyond certain amounts. Indeed, the amounts being sought were considerably higher by some counsel than what was agreed upon.

The member has to bear in mind that the commissioner has the overall responsibility for the conduct of the commission, which includes decisions as to whose counsel will be funded through the commission and the overall responsibility in determining what the amounts per hour will be. While we are involved in the

process, the final decision is not ours. There are a number of different counsel, and it would appear the hourly rate varies from \$75 to \$130 per hour.

**Mr. Nixon:** So the man who is complaining is at the top of the list.

**Hon. Mr. McMurtry:** I believe so, yes.

The commissioner has indicated that when there are a number of counsel representing one nursing team such as the Registered Nurses Association of Ontario, only one counsel will be funded at any one time. They may have as many as four counsel involved. Four counsel are listed for one of the nurses, for example, Susan Nelles, but only one counsel will be compensated at a time. The hours for these counsel vary. As I say, they were the result of quite extensive negotiation between counsel for the commission and the individual counsel.

Do we have any information with respect to the hours per week? I am not sure at the moment.

**Mr. Nixon:** The usual instruction is not more than 10 per day. It makes for easy arithmetic.

**Hon. Mr. McMurtry:** I cannot say at the moment. My recollection was that there were some maximum hours per day and per week, but I cannot be certain of that at the moment. I can obtain this information.

**11:10 a.m.**

**Mr. Roy:** I just want to make this comment in jest, if I may. The Attorney General talked about the fact that legal aid is not involved in this. I can tell him that if he wanted to shorten the commission and get rid of all the counsel, all he would have to do is impose the legal aid tariff and I think that would take care of the commission very quickly.

**Mr. Nixon:** Mr. Chairman, I just want to ask the minister a couple of questions. I have expressed my views on legal fees in the past and I recall receiving more than one lecture from the Attorney General. I am just glad to know that a certain level of remuneration shocks even him. It is nice to know we are all really in the same boat, but he is just perhaps more progressive than I.

I have a feeling, also, that we can hardly contemplate the enormity of the subject that royal commission is reviewing. We have no idea what is going to come out of it, but we really got to the point where there was not anything to do but give it to a commissioner. The minister knows we supported that decision fully and still do.

We are talking about an entirely different level of significance now. When the other matter is finally settled and we are reviewing the books on this royal commission, the minister or his successor will have a good many questions to answer, particularly about those people who are paid \$75 and \$130 an hour, perhaps with a 10-hour-per-day restriction.

It is certainly our experience in attending royal commissions as witnesses and otherwise that quite often the person with a national or international reputation who commands the very high rate is far too busy to attend the parts of the hearings in which he or she is not directly involved. There must be many hours in which these people who are retained at \$75 to \$130 an hour are really not directly involved except, of course, that they must keep careful tabs as to what is going forward with the other evidence as it is adduced.

I understand that under those circumstances it is quite acceptable for a junior member of the firm, and perhaps a very junior member indeed, to be sent down to the commission to take notes and to check on what has actually gone on. I would certainly suggest that either the minister with his staff or the auditor with his staff keep an eye on this so that we are not paying \$130 an hour to a law student—and perhaps not one of the best law students in the office—whom they want to get out of their hair for a few hours, who will go down and listen to what is happening at the royal commission. He would then in the future add that to his own curriculum vitae, having participated in support of one of the senior counsel in these royal commissions, and we would have perhaps participated in a very generous way indeed.

I am just warning the Attorney General. I do not want to interfere with the undoubted importance of what is going on down there, but I want to put up a small flag in the mind of the Attorney General that this, aside from that great importance, not become one of the greatest legal boondoggles that has appeared on the horizon.

We can head this off. It is not too late at least to be careful that we are not being made complete fools of up here. The very fact of somebody getting \$130 an hour is giving some public complaint. The rate of remuneration is of concern to the Attorney General and it appals me. All of these things are relative. Usually people complain about their rate of remuneration when they are aware of somebody else getting more. We sometimes complain about what cabinet gets because it is more than we get.



That is a normal human stimulation for this sort of complaint. I would just warn the Attorney General that he might do a service to all of us, and certainly to his successor, if he just takes some care with this.

I have something else to say unless the Attorney General—

**Hon. Mr. McMurtry:** I know my good friend the member for Brant-Oxford-Norfolk is not attempting to expedite my retirement from my present position with his several references to my successor.

**Mr. Nixon:** You will have a successor for sure.

**Hon. Mr. McMurtry:** I certainly wish my successor well, whenever.

As far as the costs of this commission are concerned, I can assure the member for Brant-Oxford-Norfolk that more than a little flag went up in my mind at the time we announced the commission because I have had some experience with royal commissions, having been counsel at royal commissions myself.

For that reason, we are monitoring what is going on very carefully. For example, I know the registrar of the commission keeps a very careful record of which counsel are at the commission at any given time during any given day and I know the commissioner and his counsel are monitoring the accounts that are being submitted on a regular basis. I do not think there is any question that the commissioner is very concerned, notwithstanding his very difficult mandate, about the overall costs of the commission to the taxpayer, and we are certainly monitoring it as closely as we can.

**Mr. Nixon:** The minister may want this reference raised in the next, more general debate that is coming along; if so, he can just let me know.

It has been proposed by the leader of the New Democratic Party that we ought to consider a royal commission on organized crime. I feel the suggestion has a good deal of merit. It may be a bit premature, but the minister knows that in the, God forbid, course of events that may occur, the pressure will come on him more and more to do something about what appears to be a growing and unacceptable problem with organized crime.

It is possible that just as in the series of events we have been talking about, ending in the royal commission dealing with the Hospital for Sick Children, the time will come when the minister can do nothing other than appoint a royal commission. Since I hesitate to question in any

way the efficacy of our various police forces—and I never do, though the minister quite often does—he may very well find that as we discover bodies stuffed in trunks, lying in fields and so on, the people are going to demand that somebody do something. At the end of the line the only thing to do is to get a judge and say: "What is going on here? Find out for us."

It does not really help very much to avoid the killing, but it really sounds some kind of warning to the community that we are prepared to commit all of our resources and powers in constraint or in control of some sort of situation. The minister may remember the Roach commission 20 years ago. The minister was not counsel in that particular instance, was he? He was not connected with that in any way? His name was not mentioned or anything like that?

**Hon. Mr. McMurtry:** No.

**Mr. T. P. Reid:** He was still in high school 20 years ago.

**Mr. Nixon:** He was not going to any gambling clubs or anything?

The minister was correct when he said that one of the bad things about royal commissions on crime is that everybody's name gets trotted out and moves across the front page of the Toronto Star or something, for everyone to see and speculate on. I agree that is a bad thing.

On the other hand, to the whole community and to those who from a distance are looking at this rich community, this plum sitting here in the middle of North America ready to be ripped off by organized crime even more than it is, it sends a warning out to steer away. I believe they do. I think the Roach commission did send a signal right across North America that Ontario and Toronto were not places where they could take up their nefarious activities with complete immunity.

I hope that in the back of the minister's mind a royal commission on organized crime is not stamped out entirely. If this matter goes on, every three weeks having one of these execution-style gang murders with everything that is going on, I think people are going to demand something more than we have had.

**11:20 a.m.**

I made a proposal that something more than just a co-ordination of the police forces, which we have had, according to the various spokesmen—usually the Attorney General over the years—may be necessary. We may need to have some special group advising the Solicitor



General (Mr. G. W. Taylor), the Attorney General, the Provincial Secretary for Justice (Mr. Walker) and the government of Ontario so the people feel at least there is an understanding that a special threat is here.

When we have one of these terrible murders every three weeks, it simply points out what must be going on behind the scenes, the fantastic level of criminal activity draining the money out of this community that must be going on to make its control so important in the minds of the people who are causing these crimes to be committed.

All of us must give some serious consideration to the possibility of such a royal commission. Just as we experienced with the Hospital for Sick Children system, if it goes on and we can do nothing about it, a royal commission is really all we can turn to.

It should not be dismissed as simply a worse-than-useless alternative which endangers the reputation of people who should not be brought to public scrutiny. That is certainly a downside and a great deal of thought must be given to protect the citizens from that happening. On the other hand, it reassures the public and sends a very strong message to the underworld elements who are looking at this jurisdiction as just the latest ambit for their activities.

**Mr. T. P. Reid:** Mr. Chairman, I would like to make a few comments on what the member for Brant-Oxford-Norfolk has just said. Seven or eight years ago, I asked some questions in the House about organized crime. The answer to me at that time was the same as we have had from the Solicitor General and the Attorney General, that we have a special unit set up with the co-operation and co-ordination of all the police forces, with the Royal Canadian Mounted Police, the Ontario Provincial Police and the municipal people co-operating with the forces from the American side as well.

There were similar events at that time seven or eight years ago that led to those questions. To entertain the members' interest, as a result of the publicity surrounding those questions I had a phone call late at night. An obviously disguised voice said, "Is that Mr. Reid?" I said, "Yes." It is funny how one starts whispering when others do. He said: "I have something to tell you about organized crime. I will meet you in such-and-such a restaurant at eight o'clock in the morning and I will have my Globe and Mail upside down."

I went to meet with this gentleman, then being young and foolish. Now I would give him

the Attorney General's number. He probably knows it. Anyway, I met with this gentleman and he was talking about how he had been running a business, had run short of funds and had become involved with some of the people whose names appear reasonably regularly in the newspapers and the media as being associated with organized crime.

The gist of it was that he had borrowed or used money they provided, if I recall correctly, through some kind of Swiss bank account and these people were now muscling him out of the business. They had taken over control and he had lost everything. He admitted what he had done was incorrect, if not illegal. He indicated he understood that perfectly well, but he was very upset that he was losing everything he had built. It was obvious there was some laundering of money going on.

Because he insisted I not go to the police, my only recourse was to go to the Ontario Securities Commission. I discussed the matter with the then chairman, if I recall correctly. I was assured the matter was in hand and that the gentleman in question was not exactly one of the more savoury business elements to begin with. I saw by accident in the paper about three months later that the end result was this man got sent up for five or seven years for fraud himself. The other people continued on.

**Hon. Mr. McMurtry:** You were not called as a good character witness?

**Mr. T. P. Reid:** No, I was not called as a character witness.

At that time, seven or eight years ago, I had a number of discussions with numerous people. Vic Phillips, now with CFTO, had written a number of articles about organized crime in various magazines. My concern is that organized crime is obviously on the increase. Organized crime covers a wide area, everything from the motorcycle gangs to the Cosa Nostra, the Mafia or whatever we want to say.

I might disagree with my learned friend, probably the best practising nonlawyer in the Legislature, that perhaps a royal commission is not necessarily the way to go. Perhaps it may be. The commission in Quebec seems to have been unproductive in terms of prosecuting anybody. I do not think anybody was prosecuted as a result of its inquiries. Organized crime seems to be still flourishing in that province. It would appear, from reading and listening to the media, that organized crime in the province has increased in those last seven or eight years rather than

diminished, despite the efforts of this co-ordinating body.

Is the Attorney General satisfied that this group is as effective as it might be? I have asked this question of the Solicitor General and the answer was: "We do not keep track of people being convicted as being associated with organized crime. In fact, we do not keep those kinds of statistics. If somebody is up for fraud or coercion or loan-sharking or whatever it is, that is strictly a conviction. We are not keeping statistics that way."

I would like to ask the Attorney General, especially since we are talking about estimates, if he is satisfied that there are sufficient funds for the detection of organized crime operations in Ontario? Does he have sufficient funds for special prosecutors, special crown attorneys and all that sort of thing in fact to wage a war against organized crime? Is he satisfied that organized crime is on the increase, is staying level with the period of 10 years ago, or just where are we?

I noticed in one of the newspapers just today or yesterday that more drugs, \$500 million worth, were seized at Toronto International Airport. In my area, where we are on the border with Minnesota, we have a problem with drugs being run across the border both ways. I wonder if the Attorney General can suggest whether or not he is satisfied with the budgets that are being provided and with the effectiveness of the same?

I do not feel it good enough for the Attorney General and the Solicitor General to stand in the House and tell us they have things under control, the old saw we get over there on almost everything we ask about, "Trust us, we have it in hand." There has to be more to this place than that. We have to assure the public more than just trusting in the Attorney General and the Solicitor General on this matter.

I wonder, along with my friend, if the Attorney General has given any consideration to some other mechanism than what is at present just questions in the Legislature on this whole matter?

**The Deputy Chairman:** We are dealing with supplementary estimates for the Attorney General. Questions have been asked. Are there any further questions, or would you like the Attorney General to respond to that general area of questioning and then get on to the other parts of the estimates?

**Mr. Nixon:** Mr. Chairman, I have one further question. We have been bouncing back and

forth between legal aid and royal commissions, which is unfortunate.

**The Deputy Chairman:** Perhaps that is my fault. I am sorry.

**Mr. Nixon:** It is okay. Which one are we getting rid of?

**The Deputy Chairman:** Let us get rid of legal aid.

11:30 a.m.

**Mr. Nixon:** All right. I just want to say something on that. We are asking for an additional \$16 million. I was interested in the minister's comments that this would at least reduce the delay in paying to the billers the amounts owing to them. I am not really sure I understand that, because I do not believe the fund has actually run out to the point that cheques cannot be issued. Certainly no one in this House expected that to happen. We have a yearly estimate and in this instance it has gone over by \$16 million. The government has all the facilities in order to keep the money flowing in an orderly and proper way.

If this has been delayed for some time, of course the House has been in session and supplementary estimates can be brought forward. I hope the minister, who is fond of sending out to the legal community comments made in the House, is not going to send all the lawyers some sort of justification saying the reason their bills are late is because the supplementary estimate was not carried. I have seen the minister in action on these matters before and there seems to be little or no justification for that. Nobody in this House has been holding up any money for lawyers who are billing for legal aid or otherwise.

The minister has also indicated his concern that the levels of legal aid remuneration are not sufficient. Certainly I have been lobbied and I would think all the members of the House who have lawyers in their constituencies have been lobbied by people who feel this has not kept in step with the times. As I understand it, we are billing, with all the various controls and so on, something like \$45 an hour for legal aid work. Is that correct?

**Mr. Roy:** No, the average rate is \$34.

**Mr. Nixon:** A bit less than that, I am informed.

I am aware of the fact that even in smaller provincial centres the people who are providing this service feel they cannot do so for such a niggardly figure. I am not aware of the level of overhead but I do want to say that, certainly when I was first elected, legal aid was not



supported publicly. Lawyers felt it was a part of their professional responsibility to provide this service for the people who needed it, just as in those times doctors undertook to provide their services at a reduced or no charge.

Now that we have legal aid and we have medicare, doctors, although they still talk about providing reduced-cost service, particularly those who overbill and do not accept the full Ontario health insurance plan payment as their full payment, still maintain a bit of that approach. I hesitate to call it a fiction. For lawyers it is assumed that if people cannot afford the regular tariff to go to a lawyer independently, they simply get a legal aid certificate if possible and we are supposed to pay for it.

I see nothing wrong with that. We have made the commitment to go away from charity cases and go to legal aid. I support that concept and I have no problem with it at all. It simply means in the large legal firms in Toronto or elsewhere almost no legal aid work is done.

Certainly some of the firms outside Toronto have experienced in the last two or three years a marked diminution in the requirements for their regular services. Many of them have found their normal cash flow has been seriously reduced because of the general economic reduction, land sales and so on. Property purchases have changed quite dramatically. Lawyers with certain specialized practices have found themselves very much reduced in their cash flow and in the moneys available. In these instances, a number of them, quite normally expecting a substantial and significant return for their services, have had an opportunity to turn to the acceptance of legal aid clients.

It may be that those people, having seen some reduction in their cash flow, do not find the legal aid payments measuring up to their expectations. I do not think we need have much sympathy for them. I do know that young lawyers who are trying to establish themselves may find themselves having to accept an inordinately large proportion of legal aid work, which I am sure is interesting and in many respects fulfilling, but I know it disappoints some who have said to me that they cannot move into the mainstream of legal practice in the way they would expect.

I do not know what we are going to do about increasing the amount payable. One of the last reviews of this I read indicated that about \$45 an hour is payable. I am informed by my colleague, who does some legal aid work I am sure—

**Mr. Roy:** Very little.

**Mr. Nixon:** Very little; he tells me it is less than that. I know of his concern in these matters but I feel the policy of the government is somewhat shaky. Those of us who look for leadership in these matters find it lacking. It is difficult for us to determine why \$45 an hour is not sufficient for lawyers to represent certain legal aid clients if those lawyers have a spectrum of practice involving clients who are paying the regular tariff.

If there is any residue of this feeling that a person professionally trained should perhaps maintain a part of a practice responding to the need for legal aid, perhaps this approach made by the chief law officer of the crown to his colleagues in the profession might be worth while. I would hope the Attorney General is taking that sort of leadership among the ever-growing number of lawyers in Ontario. While the taxpayers are prepared to support the concept of legal aid, which most people accept as a very important one, the problem may lie in the mix.

**Mr. Roy:** Mr. Chairman, I have a brief comment about legal aid. I think all of us here are appreciative of the restraint shown by my colleague this morning. I think with good reason, because I have said this before in this House and I will say it again, the level of remuneration for counsel doing legal aid has reached the point where it is absolutely ridiculous.

It was determined in the province a few years ago that the overhead in most law firms per lawyer is somewhere around \$50 an hour. That being the case, how can counsel operate at \$34.50 an hour, which I think is the present level? I think 25 per cent is even deducted from that. It has reached a point in the profession that two thirds of the 15,000 lawyers practising in this province will not touch legal aid because very simply—I should not say they do not touch legal aid; many lawyers do legal aid cases but will not do it on the basis of legal aid tariffs. They would rather not see that certificate or fill out all those forms. They would rather just do the work and go back to the old system where they do not have—

**Mr. Nixon:** They do it as charity.

**Mr. Roy:** As my colleague says, it is a type of charity without the paperwork involved in the legal aid process. When one has to put one's staff through the process of signing and filling out forms and still one is losing, that is a problem.

I suppose to answer what my colleague the member for Brant-Oxford-Norfolk has said, of the many junior counsel who are doing a lot of the criminal work, a high percentage of that is



legal aid. Obviously they just cannot make it. Not only can they not make it on the basis of what is paid but they cannot make it on the basis of having to wait months for payment of their account.

I say again to my colleagues, if any of them have any doubt about the increases in the cost of living, they should look at what the doctors have received in increases since 1967 and look at what the lawyers have obtained in increases. Since 1967, the lawyers have seen the legal aid tariff increase perhaps by 100 per cent; in the case of the medical profession, the rate has probably increased twice if not three times that amount.

I think if the process is going to work, if it is going to follow the principle that was originally established, the tariff must reach a level where it is not a disincentive to counsel. The plan should at least have some encouragement for all counsel to participate without monetary penalties as is the case now.

11:40 a.m.

In some areas of the legal profession—and I am talking mostly about the criminal field, family law and so on, which deserve proper and adequate representation in many of those cases—how can counsel be encouraged to do any of that work at this rate? I think it has reached a ridiculous proportion.

As many people have said, two thirds of the profession are not participating in the process. I know the Attorney General has talked about this before. It is difficult to convince the Cabinet Office, the government and the public that this is a priority because of the people involved. Lawyers' standing in the community and even in this assembly at times is quite low—

**Mr. Nixon:** No, not so.

**Mr. Roy:** The constituency that is often served by the legal aid plan is not one that receives great and wholehearted public support, but I think it has to be said again that unless something is done, the whole plan will be undermined.

The only reason it has not fallen apart is because there is a surplus of lawyers in Ontario and some have no choice but to do this type of work. They are practising out of their cars; they do not have adequate secretarial staff. I see some of my colleagues smiling about this, but it is a fact that some of them are getting involved in practices that are not nearly as efficient or effective as they should be.

Any time the Attorney General wants some assistance in upping the per diem rate, I really

think it is deserved. From a practical point of view, I know it will not happen because it is not a priority. It is hard to convince the public that this is something that deserves this kind of priority, but I really think that unless something is done quite quickly, the plan is going to start to disintegrate.

It is going to become ineffectual. Citizens who are supposed to be able to take the certificate and get the counsel of their choice are not going to be able to do that because two thirds, if not three quarters, of the lawyers in this province will not do any legal aid at all, no matter what tariff it is in. I think that is unfortunate.

**Mr. Nixon:** Mr. Chairman, I would like to make one other point in case I was misunderstood, because I have listened to my colleague, the member for Ottawa East, with great attention. He is a practical person.

I just want to return to the point I made to the Attorney General. I would hope he would use his persuasive powers in the profession—I believe he is very highly regarded in the profession—to convince them that legal aid is not a welfare program for lawyers, because we have too many of them or because business has fallen off or certain aspects of the business have changed so their former high levels of remuneration are somehow reduced. If it were shared among the lawyers, then the problems that would be experienced would be somehow reduced. As long as it is just a group of lawyers who simply cannot get any other work and who are prepared to accept the certificate at the low level of remuneration, then I believe there are some valid complaints that could be made about the quality of professional assistance that might be received.

Twice my colleague has said that 75 per cent of the lawyers—I forget his figure, but it was a very high percentage—do not want to do legal aid and do not do it now. If it means that legal aid is going to be welfare for lawyers who cannot get any other work, then it seems to me that by doubling the rate—I am not sure whether that is going to give the people at the bottom bigger incomes or persuade those really learned in the law, like my colleague and others, to participate in the legal aid program to some extent.

I would hope all lawyers who possibly could, would consider it their duty to participate to some extent. It is also their duty to complain about the fees paid. To reject legal aid out of hand because it is only \$37 an hour is what is happening, but it is one of the things that nonprofessional people could and must decry.

**Mr. Breithaupt:** Mr. Chairman, perhaps now it is appropriate to ask why we are being asked for a further \$16 million for the legal aid program. The estimates before this House in the initial ministry involvement were for a commitment of some \$45 million. Those estimates were dealt with in committee. At that point, certain questions were raised concerning the general process of legal aid. This morning, some of those themes have been referred to once again.

I have asked a series of questions on this topic for some time, as have other members of the House. The most recent concern with respect to the general theme of legal aid was raised by Lorraine Gotlib, QC, the president of the Ontario branch of the Canadian Bar Association. Her speech was given on November 8 and was reported with some interest. There were comments made, from a variety of press clippings I have received, about the problems of legal aid and the matters of the higher fees that were the subject of Lorraine Gotlib's remarks.

In response to a question I put to the Attorney General, he agreed it was necessary to increase the legal aid fees generally. We have talked about the prospect of removing the 25 per cent deduction situation so the fees, as paid, would at least be increased by that differential and lawyers participating in the plan would no longer be presumed to be in a charitable situation.

Mrs. Gotlib's report suggested that some two thirds of the 16,000 lawyers in Ontario did not handle a single legal aid case during the fiscal year ending March 1982. I recognize the comments my colleague the member for Brant-Oxford-Norfolk has raised as we look at the increasing numbers of lawyers within the province, and as we consider whether 1,000 extra lawyers in Ontario each year is a useful expenditure—not only of public time and money but also of their time—and as we consider their prospects for an active practice in the traditional solicitor and barrister arrangements within the courts.

We noted with interest a day or so ago, the comments by Mr. Justice Evans as he referred to the number of lawyers. He came up with at least a suggestion of differentiating categories or some approach whereby the persons who are called to the bar will have a reasonable prospect of a successful professional career, whether they proceed in an active law practice or in other corporate or particular matters where the education they have received would be of use to them.

I recognize that a simple increase in the moneys available for legal aid will not necessarily deal with the problem as to whether or not we have too many lawyers graduated within Ontario and called to the bar of Ontario.

Of some interest to me are the points made by Mrs. Gotlib in her remarks with respect to the difficulty experienced by those lawyers who are in the legal aid system and who share cases under that plan. These concerns are not new. Indeed, the secondary headline in the report that appeared in the *Kitchener-Waterloo Record* perhaps quite adequately sums up the attitude of the Attorney General. It says, "Legal Aid Fees Should Be Increased but There Is No Need to Panic." That is perhaps a reasonable and balanced approach. I do not quarrel with the Attorney General's response because I know he is interested in increasing, if at all possible, the total amount available and then making some substantial and progressive changes in the legal aid system.

During the estimates of the ministry a year ago, a discussion was held with respect to legal aid themes. The Attorney General commented in his opening remarks that while some persons were not as supportive of legal aid as he would have hoped, he still intended to soldier on and attempt to encourage his colleagues in cabinet and the Treasurer (Mr. Grossman) to make funds available.

I reminded him then, as I do now, that certainly that attitude on this side of the House is met with full support. If there are any members of the House who are not committed to legal aid, I do not know who they would be. As the member for Brant-Oxford-Norfolk has said, we have all been receiving comments and indeed perhaps it could be said to have been lobbied by a variety of lawyers in our own constituencies. Whatever else we seem to share in Ontario, every one of us, for better or for worse, does have lawyers in his or her constituency. There is no problem for any one of us, I am sure, in having a contact with a member of the profession of which some of us have the honour to be a part.

This involvement, the extra \$16 million, is still something I do not understand as clearly as I should in this matter. From the initial comments made by the Attorney General before his staff members joined him, I understood this is in effect a catch-up payment in order to reduce the time and shorten the payment turnaround from what it has been to about a 10-week cycle. The Attorney General commented that under the



medical programs, the doctors are in an approximate five-week cycle or thereabouts as to their payments.

Is that the sole reason for these funds before us? If it is, then the other concerns with respect to legal aid will have to wait for another day. We will see what the next budget brings; we will see what the comments are in the next series of estimates of the Attorney General and we will be able to discuss these themes once again at that time.

If I am correct in my understanding that this is effectively a one-time payment to allow the cycle to be shortened, then all we can do at this point is say that we agree with these additional funds.

I do not expect this amount of money would be added to the total each year, if I am correct in this shortening of the cycle theme. If the Attorney General could respond to that particular point, certainly from my point of view, the voting of the supplementary estimate can be accomplished forthwith.

**Mr. Renwick:** Mr. Chairman, I think it would make sense to complete the comments before the Attorney General responds. I want to be extremely specific about the matter I raised earlier on the question of the supplementary estimate for the legal aid plan, the \$16 million. I was trying to arrange with the other House leaders to have a House leaders' meeting in the hope that the member for Brant-Oxford-Norfolk could attend it and we could get on with the work of the committee.

My comment is very specific. It is my understanding that as a result of the Laventhol and Horwath report, a decision was made on the basis of their recommendation by the high-level body responsible for the accounting procedures of the fund to pay all accounts under \$900 without any examination of the accounts. Now \$900 may appear to be a small amount of money, but it is also my understanding it was estimated that to clear those accounts and get them paid, we would be talking in terms of something in excess of 8,000 accounts. The figure I heard we would receive by way of supplementary estimates was about \$8 million. We are receiving about \$16 million.

The Legal Aid Act very specifically provides that: "Subject to the approval of the Lieutenant Governor in Council, the law society may make regulations respecting the establishment and administration of the legal aid plan and, without limiting the generality of the foregoing, may make regulations . . . (l) providing for the set-

tlement of accounts for professional services under this act or the regulations." It goes on to provide that the Attorney General may designate persons for the purposes of providing for the settlement of those accounts. The responsibility, therefore, is entirely on the Attorney General.

I want to ask the Attorney General: Under what authority and by what method have a large number of accounts under the figure of \$500 been paid without any scrutiny by legal aid officers, the accounting officers of the legal aid plan? Why has there been a significant reduction in the number of accounting officers under the legal aid plan? Is it correct that in excess of 8,000 accounts have been processed and account for \$8 million of the \$16 million, or have \$16 million of accounts been processed under that short-hand method without adequate scrutiny and accounting?

I support the legal aid plan. I am not here to quibble about it. I want to understand it. It is my understanding that special meetings were held, a special regulation was passed about which I would raise very serious reservations, and directions were given to those officers whose responsibility it is to process the accounts to do it without scrutinizing the accounts and to report their progress in getting rid of the backlog.

Getting rid of the backlog is admirable, but are we processing accounts respecting public money without any scrutiny of any kind? That is my understanding of it. I believe representatives of the Ministry of the Attorney General responsible for the accounting process were part of those decisions, as was the Deputy Treasurer, a former Deputy Attorney General.

#### 12 noon

I would like to have a clear and specific answer as to how many accounts were processed under \$900 without scrutiny, what the total amount is and, of the \$16 million, what the extent of that account is. What is the intention, apart from having the Provincial Auditor look at the process? Is that process now going on and will it continue to go on? It represents a significant and substantial amount of public moneys, if my sense of the accuracy of my remarks is as I believe it to be.

**Hon. Mr. McMurtry:** Mr. Chairman, I will deal first with some of the comments raised by members of the official opposition in respect to the legal aid plan. As far as comments in relation to the suggestion for a royal commission on organized crime are concerned, it might be appropriate to hold my comments until we deal with concurrence in supply. I



think that might be a more appropriate time.

We are in agreement that the legal aid tariff is inadequate and we are going to do what we can in the Ministry of the Attorney General to obtain an increase at the appropriate time. But I would like to put some of the comments on some of these issues in perhaps a little better perspective. When it is suggested the plan is falling apart because 75 per cent of the practising profession do not participate in the plan, it should be borne in mind, certainly from my own experience, that 75 per cent of the profession really avoid the courtroom in any event, with or without a legal aid plan. At best we are only going to have a minority of the profession participating in the legal aid certificate plan.

I agree to some extent with some of the comments of the member for Brant-Oxford-Norfolk in relation to the responsibility of the profession to serve the disadvantaged and to serve them for a more modest fee. The issue is as to whether or not the fee has become overly modest. Having been called to the bar in 1958, I know that I and a large number of my colleagues and peers participated in the legal aid plan for 10 years for no remuneration whatsoever before the present plan came into being in 1968. Of course, for many years before 1958, lawyers participated in a similar fashion.

That is not to suggest I am supporting a system with inadequate remuneration. It is only to reflect on the fact that there is a proud history in the legal profession of serving the public and the disadvantaged for little or no remuneration. The truth of the matter is that, notwithstanding the modest, indeed overly modest, tariff that is at present in existence, participation in the plan has not decreased significantly. I think that is a great credit and a great tribute to many lawyers who recognize their professional obligation to deliver legal services through the certificate part of the plan.

The remuneration varies from \$42 to \$54 an hour depending on experience, with a possibility of a 10 per cent increase on top of that, less the standard statutory 25 per cent reduction.

**Mr. Nixon:** What does that generally bring it to per hour?

**Hon. Mr. McMurtry:** About \$47 an hour on average.

**Mr. Nixon:** That is before the 25 per cent deduction?

**Hon. Mr. McMurtry:** Yes. There is 25 per cent off that. So it is \$47 on average, less 25 per cent, which, given the high cost of practising law

in many centres, is indeed a very modest remuneration. We are really talking about approximately \$35 an hour once we take the 25 per cent deduction into consideration. That is sort of a ball-park figure as to what the average remuneration is.

I certainly share the view of the member for Brant-Oxford-Norfolk that the Attorney General and other leaders in the profession should continue to remind our colleagues of the importance of this participation in the plan, of the enormous importance of the plan to the administration of justice in this province. I am confident that most of my colleagues in the profession will recognize this obligation as we struggle with the issues of tariff changes.

The member for Kitchener (Mr. Breithaupt) wanted to know specifically the reasons for the requests for the additional \$16 million, which really does represent a funding shortfall. They can be categorized into four specific reasons.

First, there was the decline in the interest rates in the previous eight months to lawyers' mixed trust accounts which, as members know, form the foundation of the moneys accruing to the law foundation. This has resulted in a corresponding decrease in the law foundation contribution to the legal aid fund.

Second, the client contributions have been lower than anticipated as a result of the general state of the economy in which more legal aid recipients are eligible for full cost coverage.

Third, the average certificate account paid has risen by five per cent because of a tariff increase plus an inflationary effect relating to legal disbursements.

Fourth, the number of applications for legal aid has risen by 13.8 per cent since the 1982-83 fiscal year and the number of certificates issued has increased by about 10 per cent.

Again, these factors are primarily because of the poor health of the economy, and that is the reason for the shortfall. As I said earlier, without the supplementary estimates, the already 10-week payment time would be increased to as much as 30 weeks.

Getting back to the issue raised by the member for Riverdale (Mr. Renwick) with respect to the accounts that he states are paid without any scrutiny, my information is that, as a result of the Lavenhol and Horwath recommendations, the accounts were simplified, and that was an important part of the recommendation.

**12:10 p.m.**

Second, they are not approved without any

scrutiny whatsoever. There is a scrutiny in relation to the tariff arithmetic. I understand that with many of these bills, apart from what the member might say was less scrutiny than occurred before, there is some degree of scrutiny, and every 10th bill, I am told, is examined in some depth. I cannot give the member full particulars at this time, but I certainly am prepared to obtain any additional information that may be relevant in view of his obvious interest in it.

The reason was not to get rid of a backlog, but given the simplified account, was to pay the simple accounts or what was regarded as simple accounts quickly. I am advised that if the process is under \$900, the account is reviewed for accuracy but is not settled in the traditional method. The audit is like the Ontario health insurance plan audit; it is a post-audit. Ten per cent of the accounts at random are reviewed thoroughly, and the regulation which passed provides for the random audit and permits review of lawyers' books and records for up to two years. I should also say that no discretionary amounts are paid this way.

This, as I understand, is in pursuance to or in acceptance of some of the recommendations of the Lavenhol and Horwath study. As I said earlier this morning, the Provincial Auditor has been invited by us to take a look at the system and to satisfy himself that the public interest is being well served by this change in procedure in relation to bills under \$900.

I realize the questions asked by the member for Riverdale may go a little further than the answers just given, but I will check Hansard and we will supply any additional information that may be necessary in order to give a more full and complete response to the question that was asked a few moments ago. Quite apart from informing him of the details in relation to the number of accounts that are audited this way or that are proved this way, our officials are prepared to state just what happened in relation to the change in the regulation and what instructions were given. All of this will be given to the member in greater detail as soon as that information can be made available.

**Mr. Renwick:** I will look forward to that.

Votes 1401 and 1402 agreed to.

**Mr. Chairman:** This completes the study of the estimates for the province of Ontario for the fiscal year ending March 31, 1984.

On motion by Hon. Mr. McMurtry, the committee of supply reported certain resolutions.

**Clerk of the House** Mr. Jones from the committee of supply reports the following resolution:

That supply in the following amounts and to defray the expenses of the government ministries be granted to Her Majesty for the fiscal year ending March 31, 1984.

Reading dispensed with [see appendix, page 4169].

Resolution concurred in.

#### CONCURRENCE IN SUPPLY, MINISTRY OF THE ATTORNEY GENERAL

**Hon. Mr. McMurtry:** Mr. Speaker, some questions were asked earlier in relation to the suggestion of a royal commission into organized crime. This is a matter that some of the members opposite may wish to raise in the normal course of events with the Solicitor General (Mr. G. W. Taylor) as well, who obviously has an important role to play, particularly in relation to the administration of police forces in this province.

The member for Rainy River (Mr. T. P. Reid) stated that on this side it is simply a matter of the Attorney General and the Solicitor General stating: "Trust us. We do not need a royal commission on organized crime. All has been taken care of and everything is under control." I know the member for Rainy River appreciates the process is a much more complex one than that.

We are dealing with a number of law enforcement agencies operating in this province. A number of these agencies, as all members would agree, are made up of highly trained, highly skilled, dedicated and committed officers who are engaged daily in the combat against criminal activity generally. So it is not a question of the public of Ontario simply being asked to accept the word of the Attorney General or the Solicitor General.

I repeat once again that we do consult on a regular basis in relation to matters dealing with organized crime and criminal activity generally. If there were some consensus among the law enforcement community, those who have the expertise as investigators on a day-to-day basis, that a royal commission would be a useful device to deter criminal activity in this province, obviously that recommendation is something that would have to be seriously considered by any government.

It is not a question of saying a royal commission is out of the question and it is not a matter



of stating a royal commission is not a possible option. My position—and I am sure the members will wish to hear from the Solicitor General as well—is that on the best information we have at this time such a royal commission would not serve as a particularly effective instrument in relation to deterring criminal activity or in successfully prosecuting people who are involved in criminal activity of one kind or another.

**12:20 p.m.**

As I have said on many other occasions, both as Attorney General and as Solicitor General, the law enforcement agencies, I think for very good reason, have been sceptical of this device, at least in Ontario. The type of signal such a royal commission sends out is not necessarily one that will deter criminal activity.

As I think I said the other day, but in any event I will repeat what I said, one of the problems with respect to such a royal commission is that it really does have the capacity and the potential to interfere with ongoing criminal investigations, particularly in relation to prosecutions that are before the courts. Many organized crime figures are at present before the courts of this province.

As I have said on other occasions, a commission certainly has the effect of driving informants underground. The police rely to a very significant extent on information that is produced by informants. The greatest fear informants have is being identified. In the past, the very fact that a royal commission was being contemplated has had the effect of driving such informants underground. Police sources of information tended to dry up.

It has been suggested by some honourable members that organized crime is on the increase in Ontario. In my respectful view, there are fundamental difficulties with that statement. The definition of organized crime can involve a great deal of criminal activity. People tend to think of organized crime in the context of motorcycle gangs or organized crime families. I do not like using the word "Mafia." The term is not used by police forces because it does not really mean anything. The public have an idea of what is meant by it.

The truth is that the definition of organized crime is two or more people acting in concert on a regular basis in criminal activity. That includes a vast range of criminal activity. When it comes to organized crime such as the international linkage and connection of crime families that is sometimes referred to, I do not think there is any hard evidence that this aspect of organized

crime in the traditional sense is on the increase in Ontario.

Indeed, given the number of successful prosecutions in the last several years, I think an argument could be made that a number of these people are somewhat wary of attempting to do business in Ontario. In any event, that is an issue nobody is ever going to agree on because—

**Mr. Nixon:** Mr. Chairman, I wonder if the Attorney General would permit a question at this point? It is directly on his statement that he sees no evidence that organized crime is on the increase. All I get is from the newspapers, which say there were six heroin overdose deaths in a month compared with that many in a year previously. There was also a statement in the *Globe and Mail* about there being five or six gangland-style murders in six weeks compared with none in the previous year. How do those statistics compare with the Attorney General's view that things are no worse than they ever were?

**Hon. Mr. McMurtry:** I simply do not think they establish that fact.

Interjection.

**Hon. Mr. McMurtry:** We have to look at it over a whole period of time. One thing we do know is that police resources have increased significantly in this area and the detection of this activity has increased. We know far more about it today than we did 10 years ago.

In the view of many senior experienced and respected police officers, for example, a royal commission is a bit of a cop-out. It is in effect an admission that the traditional methods of investigation, detection and prosecution are not working. When one looks at what has happened with respect to various commissions of inquiry on both sides of the border, one can recognize that the existence of these commissions of inquiry has not had much of a deterrent effect on criminal activity.

There is just one other point I would like to make, which was made by the member for Brant-Oxford-Norfolk (Mr. Nixon). It is one he recognizes and one that has to be mentioned in this context. It is not an overriding consideration but it is still something that should be considered. That is, of course, the potential of royal commissions into organized crime as such to damage unfairly the reputations of innocent people.

The rules of evidence are quite different. There is nothing to prevent anybody from introducing all sorts of hearsay evidence; third-



hand or fourth-hand gossip that may be picked up in a bar somewhere is introduced as evidence on the same basis as some direct evidence. So the potential to harm unfairly the reputations of people whose reputations do not deserve to be harmed, given the fact that it may be nothing more than idle or malicious gossip, while not an overriding factor, is one that should always be given important consideration at the same time.

**Mr. T. P. Reid:** Mr. Chairman, I have the same difficulty I had a few years ago, and that is that the answers are the same. I appreciate some of the difficulties associated with this matter.

I gather from the Attorney General's remarks that he is satisfied that both he and the justice department in the generic sense have enough resources to deal with this matter, but there does seem on the face of it to be evidence that these matters are on the increase rather than on the decrease. We have had the Canadian Broadcasting Corp.'s Connections; there have been books written about organized crime in Canada, in Quebec and in Ontario.

Could I ask the Attorney General if statistics are being kept of the investigations generically under "organized crime" in the sense he was talking about? I am not talking about two fellows who are going to mug a lady or rob a bank. I think we are talking about the same thing: those areas where there are sophisticated people who are laundering money or who are involved in fraud, prostitution, drugs and taking over companies, as I indicated in my other remarks.

Does the Attorney General have statistics, and from when does he have them, under that admittedly loose umbrella that he can provide to us? Perhaps he can give them to the Justice critics on a confidential basis, if he likes, as a first step just to indicate the magnitude of the problem in Ontario and the number of prosecutions that have taken place that his detection people would classify broadly as being related to organized crime in the sophisticated, interconnected sense.

12:30 p.m.

**Mr. Renwick:** Mr. Chairman, since this concurrence motion is a more formalized debate, I want to cover a number of points.

My only contribution to the question of whether or not there should be a royal commission on the question of organized crime in the province is twofold. One is to support completely the request that was made by my leader the other day when the matter first came up. It is

a matter that must be seriously considered by the Attorney General. While the recommendation of a senior police officer, the Solicitor General and the members of the Attorney General's own staff are involved in these questions, it would be important in consideration with respect to whether or not there should be such a royal commission.

I consider another element the minister is responsible for is the extent and degree of public concern and whether or not that public concern would be allayed in any way by a royal commission on the question of crime.

The second part is this continuing confusion about what is meant. I listened the other morning to Mr. Côté interviewing Mr. Peter Moon of the Globe and Mail on the Metro Morning show. The same question came up again, that is, what purpose would be served?

He more or less sided with the minister's view of the matter, that a royal commission would not serve a useful purpose and pointed out the same kind of distinction the Attorney General is pointing out, which I understand is this question of organized crime being any two or more people who go out to carry out a criminal intent in a concerted way. But that is not really what we are talking about.

We are talking about, and this is the second point I want to make, the distinction that Mr. Justice Roach tried to make and tried to introduce into the topic when he held his Royal Commission on Crime in Ontario. At the beginning of his report, if I recall correctly, he distinguished clearly that he was not talking about organized crime in the sense of a couple of guys getting together to commit a crime and the planning required for that operation. He was talking about what he defined as syndicated crime.

From what the Attorney General said, I take it we need not have an apprehension in the province at the present time about the extent and degree of syndicated crime. I find that difficult to accept as a proposition that appeals to me. I have tried to follow the crime reports in the press. It is not so difficult to do because that kind of criminal report usually finds its way into the press regularly. The whole history of some of the actors who have been referred to in the press, including the late Mr. Volpe and the late Mr. Racco, indicates to me there is a degree of organization which moves the question from the elementary view of organized crime to the question of some kind of syndicated crime.

I was particularly concerned, as I have been

from my own personal experience with it in a way which was never satisfactory to me, at the assistance I was able to provide people who consulted me some years ago on the question of control by persons at least on the edges of syndicated crime in certain aspects of the construction industry. That was again part of the background related in the press of the late Mr. Volpe.

I also share some of the concerns of the Attorney General. I am not certain what the final outcome was of the royal commission into the construction industry a few years ago. The question came up, "Was any innocent person hurt in the course of that inquiry?" It was not a major item in my concern. My major concern was, "Has anything resulted from that royal commission to alter matters?"

The late Mr. Romanelli, who died on a beef farm north of Toronto recently and who was in financial difficulty, figured largely in that royal commission on the construction industry. There appears in the paper from time to time almost a network of names. There is a certain familiar ring to the stories, whether it is extortion, whether it verges on the construction industry, whether it is involved with disputes in the construction industry between certain trade unions and certain construction operators in that field. Those are areas of very real concern.

I happen to think it would be possible to define the terms of reference of a royal commission with the benefit of a man such as Mr. Justice Martin—who is now, I believe, supernumerary on the court, or if not, retired—with men of his experience in the field of criminal law, in the world where he practises as a leading criminal lawyer and as a distinguished criminal jurist. It seems to me that very serious consideration should be given to the appointment of a royal commission.

We can all talk in generalities, but I think it is worthwhile to express to the Attorney General some of the concerns our caucus felt that led our leader to consider raising the question originally, following along after the member for Brant-Oxford-Norfolk had raised it earlier this week.

There is a second matter I want to deal with. I do not want to deal at great length with any of these matters; perhaps the Attorney General would just make a note of them and deal with them in his response if he sees fit to do so. I read with interest the judgement of Madam Justice Van Camp in this reference in connection with the authority to administer electroconvulsive

treatment, and there were three or four things that struck me while reading it.

First of all, I empathized with Madam Justice Van Camp for being faced with a question such as that with a tremendous degree of urgency attached to her decision in the matter, the very short space of time from when the matter first came on until it had to be decided by that court and the serious reservations of Madam Justice Van Camp about the state of the art, if one can use that term, in relation to electroconvulsive therapy.

She had the benefit of seven experts. She certainly did not question the credentials of any of those experts, but it was a very hurried application brought on with great urgency and she had to deal with it over a weekend, I believe, and give her decision on a Monday.

It raised very serious concerns for me because it basically was simply a question of statutory interpretation: was the phrase "electroconvulsive treatment" included in the term "psychosurgery" under the Mental Health Act or not was it not?

I sat on the standing committee that dealt with the amendments to the Mental Health Act some years ago. I think the former member for Huron-Bruce was the chairperson of that committee at the time and the present Minister of Agriculture and Food (Mr. Timbrell) was then the Minister of Health. I cannot recall, and I have not had an opportunity to look at or to ask the library to look at the references in the debate, what we thought was being decided on the question of electroconvulsive treatment, whether it was or was not included in the term "psychosurgery."

**12:40 p.m.**

My third concern about it is the charter, the question of the security of the person under the charter and whether or not the administration of that kind of treatment involves an intrusion on the security of the person, which is no longer warranted. I think the question of whether or not the exception under section 1 or the justification under section 1 for what would otherwise be a breach of a right under the charter can only be intelligently answered by the court if the minister, along with his colleague the Minister of Health (Mr. Norton), appoints the most competent task force he can find to survey the state of the art in that field and to report to him and the Minister of Health on the question of whether it should be used.

Madam Justice Van Camp was quite right. We had authorized certain intrusions on the



security of the person, on the inviolability of the person in the Mental Health Act. On the question of whether this was included as one of those intrusions, on the basis of her assessment of the evidence in the short time she had available to her, she had to come to the conclusion that this was an authorized intrusion and so made the order.

I ask the Attorney General, along with his colleagues, to take that matter very seriously. All of us who sat on the committee are very concerned about whether the statute reflects accurately what it should reflect, not only at that time, but also in the light of the charter. As I said at the beginning, I admire Madam Justice Van Camp for having been able to deal with the matter as expeditiously and as thoroughly and with the wisdom she displayed in her judgement, but I think the question that ultimately comes back here is one of statutory interpretation.

My next point is that in the debate on the estimates of the Minister of Correctional Services (Mr. Leluk) some questions were raised by me and my colleague the member for Yorkview (Mr. Spensieri) to that minister with respect specifically to the Toronto Bail Program, but relating also in a somewhat broader sense to all the fee-for-service existing contracts. I think there are about a dozen of them with respect to the bail program.

In the course of those remarks, the executive director of the community programs division had some comments to make. In any event, without holding up the debate to try to deal with it, a serious question has been raised of whether under those contracts the ministry is going to opt out and the funding is going to terminate together with that expeditious system of providing bail for those who are basically not in a position to put up the surety, but can give their recognizance to appear in court on time and report to the bail program from time to time.

The gap in the justice system in the bail program is filled by those agencies and there is some very real fear that somehow or other that system is being rethought, the agencies are going to be cancelled and their funding is going to disappear. If my memory is correct, the minister's response was: "Of course, that is not up to us because that is part of the judicial function. We would have to consult before we terminated or affected the funding arrangements of those fee-for-service contracts." My basic question to the Attorney General is: Is there any change in substance at all under consideration that would affect the bail pro-

grams with those 12 agencies and is there any intention to alter their specific operation?

There is another matter I would like to express my view on. I notice in one of the communications of the Law Society of Upper Canada that pressure has again been raised to request authorization to use credit cards for payment of lawyers' accounts. I would have great hesitation in believing that is a way in which lawyers' accounts should be paid. I would have to stand as one who is opposed to that unless I heard some cogent arguments to persuade me otherwise. I was quite surprised to see it in the communique.

Related to that, each of the communiques keeps referring to amendments to the Law Society Act. I wonder whether it would be possible, either in draft form or otherwise, to share with my colleague the member for Kitchener (Mr. Breithaupt), myself and anybody else who may be interested, whatever draft is kicking around of amendments to the Law Society Act because it appears to be a relatively extensive review which is being made of that statute.

The last communique, which happened to be on my desk this morning, referred to the fact they had reconsidered their position with respect to the disciplinary function of the governing body of the law society with respect to its members. I would not like to have that bill suddenly introduced here as a *fait accompli* without an opportunity to participate, perhaps somewhat in advance, in whatever consideration is going ahead on it.

I listened to the exchange with the Attorney General on the question of plea bargaining arising out of the case the member for Ottawa East (Mr. Roy) raised, and on which my colleague the member for Ottawa Centre (Mr. Cassidy) asked a supplementary question the other day, about whether there was a breach of the commitment between the crown and the defence lawyer.

The substance of that case is not what my concern is about. My concern is I would like to believe that whatever the so-called plea bargain is, and however the negotiations go on between counsel and the crown in all these matters, the final plea bargain is a matter of record in open court, because it seemed passing strange to me that any member of the crown staff would give as part of an agreement, an agreement not to take a matter to appeal.

I think it would be beyond the power of a crown attorney to say, "We will agree not to appeal this case." I can see agreement as to what



charge will be withdrawn or what charge will be proceeded with, what the nature of the plea will be and a discussion with respect to what the crown will do when the question of sentence comes up and those kinds of questions, but I have always felt the odium that has been expressed many times about the plea bargaining process can be substantially and totally reviewed if, when counsel stand in the court, they say in one way or another they have reached agreement as follows on this matter, and that is the way in which they tend to appear.

It is a matter of public record. That is the agreement and one does not get these arguments later on about what was said, what was not said and what was the perception of the truth that one person has as against another person. If my memory serves me correctly, a few months ago there was another case in which the actual evidence had to be given with respect to the nature of the discussions which had taken place between the crown and the defence in some other related case. I do not remember the particular participants. I would like some clarification by the Attorney General or any comments he might care to make on that question of plea bargaining.

**12:50 p.m.**

I am not going to repeat any comments I have on the legal aid program generally, except to restate the initial provision I think should be made. That is the statutory deduction of the 25 per cent should be taken out of the legal aid plan and the matter assessed in the light of the removal of that statutory deduction.

It may be that in times of restraint, one has to take it out over a period of time. I think if one were to take out 10 per cent now and 15 per cent later on, one would go a long way towards solving some of the fee concerns of those who practise within the legal aid program.

The last comment I want to make on these concurrences is with respect to the Young Offenders Act. In the estimates of each of the justice portfolios for which I am responsible—the Solicitor General, the Attorney General, Correctional Services and the Justice policy field—I tried to raise the question of what is going to take place under the new Young Offenders Act, not only when it is proclaimed, but particularly when the 16-year-olds and 17-year-olds come to the court.

Much of what I have to say I owe to some information furnished to me by the Ministry of the Attorney General in a letter setting out one side of the position from the director of the

Centre of Criminology at the University of Toronto, a judgement of Mr. Justice Beaulieu stating in very practical terms, "What is available to me, sitting here as a judge, when I have a serious case? Who can I refer it to?" It poses the two poles: Is it care and treatment or is it punishment? What is the relationship between punishment on the one hand and care and treatment on the other?

If I am fortunate enough to find the page, which is quite unusual for me, I do want to refer the Attorney General to a comment in the estimates of the Ministry of Correctional Services. On page J-325, the Minister of Correctional Services says:

"In yesterday's remarks regarding young offenders I believe Mr. Renwick made some reference to the fact that the Minister of Community and Social Services (Mr. Drea) and myself as Minister of Correctional Services were involved in some kind of heated debate and dispute regarding to whom the responsibility for young offenders might fall."

The member for Yorkview interjected, "At loggerheads," and then the minister went on:

"I just wanted to assure him and the members of the committee that we have had some discussions not only between the minister and me but also between our senior staff, and about all they have been is discussions. There is no disagreement or what have you. We have both stated our cases and we will await the decision by those who will finally make one based on the information I have just given this committee."

That is as late as October 27, 1983.

My concern about the Young Offenders Act is when looked at from that point of view, it seems to me that is the basic cornerstone which has to be put in place. What is the goal? To what extent is the Attorney General taking a position on that question? Who will make the final decision, apart from cabinet?

Who will make the recommendation to cabinet about where the responsibilities will lie? Will they be shared responsibilities between the Ministry of Community and Social Services, bearing in mind the work done under the former minister, now the Minister of Health when he brought in one of the provincial court judges as an associate deputy minister to work with him in the whole field of reviewing the care and treatment of those children and adolescents who need care and treatment? Or is it going to be a punishment model left in the correctional world, if I can use those two terms?

If it is going to be the Ministry of Community

and Social Services, are optional facilities available so a judge sitting in a court can say, "I have real options in front of me with respect to the person with whom I have to deal in the course of what the treatment or the punishment will be"? Or are we going to end up, as Mr. Justice Beaulieu said, for practical purposes locked in because there are no options and he has to do the best he can in a given case?

It seems to me that once that decision is made, you can deal with a great number of other matters flowing upwards in the system through to the nature of the youth courts, the staffing of the youth courts, where they are going to be designated and all the matters that are matters not only of logistics but also of implementing the philosophy of that particular statute.

If we make that fundamental decision about the nature of the options that are going to be available to the judge so it is the widest possible range of options, then you can sort out between the ministries where it is going to fall. It may be that we will have some facilities under Correctional Services and a wider range of treatment and care facilities under Community and Social Services. The fact that they are in different ministries would not bother me. But I certainly do not like to see it as some kind of jurisdictional dispute between two ministries, and that is certainly one aspect of what is coming through to me.

Those who are knowledgeable in the field of youth care, treatment and so on are very apprehensive about the fact that the basic decisions do not appear to have been made by government, and I would like to know whether the Attorney General is the one who will make the final recommendation or to what extent he will participate in it. I have been told—and my information is accurate, as always in these matters—that he is very persuasive and influential, as is his deputy, in what the decisions are going to be. In the light of what the Minister of Correctional Services said I cannot continue simply to deal with him on the question; I have to ask the Attorney General what role he plays in this matter.

If I could just advert for a moment to my first remark on organized crime and the attempt that Mr. Justice Roach made to introduce some acceptable terminology into it, I asked the library if they could find his definitions. I certainly do not intend to read them into the record, but I do think it would be quite worth while if the Attorney General looked at the pages in Mr. Justice Roach's commission on

organized crime, where he very clearly attempts to define, in both an illustrative way and a dictionary way, the difference between the two terms "organized crime" and "syndicated crime."

It was not very long afterward that I asked some question about syndicated crime in Ontario when I first came into the assembly, and everybody looked at me with a blank face as though they did not know what it was, whereas Mr. Justice Roach spent three or four pages of his report making that distinction.

I think that is the question the public is concerned about. Probably everybody is content to leave organized crime, in the sense that Mr. Justice Roach used the term, to the police investigations and the way they are going. Syndicated crime is what is agitating the public and therefore agitating the members of the assembly who have spoken on those matters.

That is the extent of these remarks on the concurrence debate. I hope the Attorney General, either today or at some suitable time, will comment on some of the points I have raised.

**Mr. Breithaupt:** Mr. Speaker, I was going to speak briefly on this matter. Are we to adjourn at one o'clock?

**The Deputy Speaker:** As soon as the clock is seen—

**Hon. Mr. McMurtry:** Mr. Speaker, perhaps we could have unanimous consent to continue since we are so close to the conclusion.

**The Deputy Speaker:** Certainly the chair would be happy with that.

**Mr. Breithaupt:** I only want to raise one point. A number of the themes my colleague the member for Riverdale (Mr. Renwick) raised were, of course, of interest and I look forward to the comments the Attorney General may make. I wanted to ask for a progress report on the incident in Ferguson on June 6 about which I had asked a question of the Attorney General. He may well recall this car police chase.

I have asked the Solicitor General, perhaps during his concurrence, to make a brief statement as to the progress in that matter. I advised the Solicitor General I would be doing so and I believe he is prepared at least to make a comment upon that in so far as it is appropriate to do so. I am wondering if the Attorney General can similarly make a comment, if appropriate, with respect to the involvement and activities of the crown law officers who were involved in this matter.

The Attorney General may recall there was a comment in the Ontario Police Commission



report about this incident. The report, I might say, was the annual review of the force and this formed only a small reference in that general report. I have put it on the record before, but I will just quote the paragraph:

"Based on the allegation received by Chief Burns, a detailed investigation was carried out, with statements being obtained from all concerned, following which the crown attorney was consulted. After reviewing the entire matter, he advised that no criminal proceedings would be instituted by his office against the officer involved."

There was the matter of certain charges, which apparently were withdrawn, and in my understanding that would not have happened without the consent of the crown. Yet the crown attorneys involved apparently denied having any knowledge of the terms of the arrangements or deal that was made with respect to the withdrawal of certain charges and the possible compromising of the opportunity for any civil or criminal proceedings as the quid pro quo in the matter.

Perhaps in his comments this morning the Attorney General may be able to advise me as to any progress in the review he undertook to do of this situation, so that the air may be somewhat clearer on this matter.

**The Deputy Speaker:** Are there any other honourable members wishing to speak? If not, the Attorney General.

**Hon. Mr. McMurtry:** I will speak very briefly, since we will be having the opportunity to discuss some of these important issues that have been raised later on as well.

On the subject of organized crime, I want to make it very clear that I did not say at any time that I was not concerned or that I was unconcerned about organized crime or syndicated crime. I am obliged to the member for Riverdale for directing my attention to the Roach report and the definitions of Mr. Justice Roach. It may be of assistance to us as we consider these issues.

In relation to Madam Justice Van Camp's decision, which is a very important decision, certainly the Minister of Health has indicated his concern about the issue of electroconvulsive treatment of unwilling patients. He has made it very clear he wants to review this to determine whether it could be justified without consent in the public interest. I certainly will be pursuing

this with him, given the importance of the matter.

It is fair to say that the Toronto Bail Program which has fee-for-service projects with the Ministry of Correctional Services is under review at present and, to my knowledge, no decision has been made.

I was interested in hearing the member for Riverdale's comments with respect to the law society and credit cards, because I have expressed similar concerns in writing to the law society about the use of credit cards. I am delighted we share these concerns. In my own view, it would appear to be an inappropriate way to proceed.

As to any proposed amendments to the Law Society Act that are proposed by the Law Society of Upper Canada, I will certainly see they are shared with my justice critics well before any legislation is introduced.

I also agree with the member for Riverdale in what he had to say about the desirability of placing plea discussions on the record in open court. I think it is most regrettable that some of these disputes have arisen. My instructions to crown attorneys over the years have been to put all relevant matters on the record in open court. I agree with what was said about the desirability of that in the public interest, particularly if we are going to retain public respect in the administration of justice.

As to the young offenders legislation and the designation of the ministry, this is a matter that is under active review. I would like to think the decision that will be made will be made by cabinet as a whole. I would like to think the Attorney General and the Deputy Attorney General will have some influence in the decision. It is hard to predict just where these discussions will end, but I agree with the member that we have to get on with that issue because it is of increasing concern.

In so far as the Fergus incident is concerned, I have not yet seen the report from the Solicitor General's ministry, but I have not forgotten. The Solicitor General advises me that the Deputy Solicitor General is reviewing a report he has received. I agree with him that the role of the crown attorney's office would appear to have been of some importance and I expect to have a careful review of the matter. I will be advising him as soon as I have the necessary information on which to make some comment.

Resolution concurred in.

The House recessed at 1:07 p.m.



## APPENDIX

## COMMITTEE OF SUPPLY

Mr. Jones from the committee of supply reported the following resolutions which were concurred in by the House:

That supply in the following amounts and to defray the expenses of the government ministries named be granted to Her Majesty for the fiscal year ending March 31, 1984:

## Ministry of Government Services

Ministry administration program, \$9,497,900; accommodation program, \$251,031,100; human resource services program, \$57,388,700; corporate services program, \$15,622,700; real property program, \$24,145,000; computer and telecommunication services program, \$14,717,900.

## Ministry of Revenue

Ministry administration program, \$14,089,700; tax revenue program, \$64,638,300; guaranteed income and tax grants program, \$448,560,900; property assessment program, \$78,355,200.

## Ministry of Intergovernmental Affairs

Ministry administration program, \$1,257,600; intergovernmental relations program, \$3,883,900; French-language services and Franco-Ontarian affairs program, \$1,879,900.

## Management Board

Ministry administration program, \$209,251,000; policy development and analysis program, \$9,229,200; personnel audit program, \$353,300; employee relations program, \$853,600; government personnel services program, \$885,800.

## Ministry of Northern Affairs

Ministry administration program, \$3,758,600; northern economic development program, \$56,847,300; northern transportation program, \$76,177,000; northern community services and development program, \$21,675,000.

## Ministry of Treasury and Economics

Ministry administration program, \$5,546,000; treasury program, \$3,809,000; budget and intergovernmental finance policy program, \$5,439,000; economic policy program, \$288,585,000; inflation restraint program, \$1,000,000; Ontario Economic Council program, \$1,256,000.

## Office of the Lieutenant Governor

Office of the Lieutenant Governor program, \$341,200.

## Office of the Premier

Office of the Premier program, \$2,200,300.

## Cabinet Office

Cabinet Office program, \$1,623,000.

That supply in the following supplementary amounts and to defray the expenses of the government ministries named be granted to Her Majesty for the fiscal year ending March 31, 1984:

## Ministry of Revenue

Tax revenue program, \$19,763,000.

## Ministry of Treasury and Economics

Economic policy program, \$149,347,000.

## Secretariat for Social Development

Social development policy program, \$2,805,500.

## Ministry of Citizenship and Culture

Ministry capital support program, \$3,000,000.

## Ministry of Community and Social Services

Adults' and children's services program, \$122,849,000.

## Ministry of the Attorney General

Law officer of the crown program, \$2,730,700; administrative services program, \$16,642,800.

## Office of the Assembly

Office of the Assembly program, \$1,932,600.

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 Nixon, R. F. (Brant-Oxford-Norfolk L)  
 Reid, T. P. (Rainy River L-Lab.)  
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 Roy, A. J. (Ottawa East L)  
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# Hansard

## Official Report of Debates

### Legislative Assembly of Ontario

**Third Session, 32nd Parliament**

Thursday, December 15, 1983

Afternoon Sitting

Speaker: Honourable John M. Turner

Clerk: Roderick Lewis, QC

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# LEGISLATIVE ASSEMBLY OF ONTARIO

Thursday, December 15, 1983

The House resumed at 2 p.m.

## CANADA HEALTH ACT

**Mr. Roy:** Mr. Speaker, I rise on a point of personal privilege in relation to standing order 19 in the rules of debate with regard to a statement made by the Minister of Health (Mr. Norton), which is quoted on the front page of the Toronto Star. His response was to a position taken by the federal Conservative Party that it is now in support of the Canada Health Act. The Minister of Health was quoted as saying, "But Norton, provincial health minister, said he wasn't surprised by the news. 'They've taken the position for political purposes,' Norton said."

As members know, the rules of debate prohibit imputing motives to the opposition, but I think is shameful to—

**Mr. Speaker:** This has nothing to do with the rules of this House.

**Mr. Roy:** —impute motive to the national leader of the Conservative Party—

**Mr. Speaker:** The honourable member is out of order.

**Mr. Roy:** —and I protest on their behalf.

**Mr. Speaker:** It is neither a point of order nor privilege. Thank you very much.

Interjections.

**Mr. Speaker:** Order.

**Mr. Nixon:** Mr. Speaker, I have a separate point of order, which is based on a statement reportedly made by the Minister of Health with regard to Mme Bégin, which I feel brings all members of this House under a cloud. I would like to quote two points made by the minister in this news release. He said, "We have to try to get Mme Bégin to cool her jets long enough to have the level of emotion lowered to the point where she can actually engage in some rational discussion... the period of time when her parents were ill, a number of years ago. I understand she used that as an argument against what she perceives or is portraying as deterioration of the health care system."

I submit that these personal comments about the policies enunciated by the federal minister bring this House into disrepute. They impute motive, and are chauvinistic and unnecessarily condescending.

**Mr. Speaker:** Order. Again, I must rule that the honourable member is out of order. It is neither a point of order nor privilege. The statements were not made in the House and, of course—

**Mr. Nixon:** They were made by a minister of this House.

**Mr. Speaker:** —I was not aware of what he said or did not say.

## RELEASE OF PUBLIC ACCOUNTS

**Mr. Bradley:** I have a point of order you will agree is a point of order, Mr. Speaker.

**Mr. Speaker:** I will bet you do.

**Mr. Bradley:** I know you will agree with me when you hear it.

This is regarding the release of the public accounts, volume 3, which is important to all members of this House. In checking the delay in the release of volume 3 of the public accounts, we were able to obtain the following information which I think should concern all of us.

According to the clerk of committees and to the Provincial Auditor's office the reason for the delay lay with the Treasurer's office. Our researchers spoke to Bill Childs, who is with the Treasurer's office and is the public accounts co-ordinator and responsible for the volumes. According to Mr. Childs, the reason for the delay is that the printers had a strike and it has resulted in a delay of a couple of weeks. Mr. Childs added he was optimistic that volume 3 would be available next week, maybe even Monday; after the session ends, of course.

Our researcher called the printers, Carswell Printing Co., to confirm Mr. Childs's story. According to Mr. Rivers, a manager with Carswell who is familiar with the printing of this document, volume 3 was printed and shipped to Mr. Childs and the ministry weeks ago, at least two weeks ago, and he had no idea what Childs was talking about. Just to confirm this, to show how we want to be thorough, our one researcher then asked another researcher to call Mr. Rivers and confirm what he had been told. The same explanation was repeated.

Mr. Speaker, the point of privilege, order or whatever you interpret it to be is that the Treasurer (Mr. Grossman) appears to be

withholding important documents from members of this House until after the House has recessed.

**Mr. Speaker:** Contrary to the rather optimistic attitude of the member for St. Catharines, I must rule him out of order. That is neither a point of order nor privilege.

Interjections.

**Mr. Speaker:** Order.

**Hon. Mr. Grossman:** Mr. Speaker, do you wish me to rise on a—

**Mr. Speaker:** Not really. Because it was out of order, there is nothing to respond to.

**Hon. Mr. Grossman:** The leader of the party can use one of his questions to find out.

### ANNEXATION LEGISLATION

**Mr. Breagh:** Mr. Speaker, I rise to seek your advice. I received a communique from the county council of Simcoe. I want to read it to you, sir, and then seek your advice on the matter. The resolution was passed unanimously by the county council of Simcoe this morning and it reads:

"Whereas the provincial government has introduced Bill 142 to enforce annexation of land presently in the township of Vespra to the city of Barrie without ascertaining in a proper and democratic manner whether such annexation is required; and

"Whereas prior to the introduction of such legislation this county had passed a resolution opposing annexation"—

**Mr. Speaker:** Order. Interesting as it may be, it is not a point of order.

**Mr. Sargent:** Don't you realize it is Christmas?

**Mr. Speaker:** I beg your pardon?

**Mr. Breagh:** Mr. Speaker, I am seeking your advice. If you would just let me quickly—

**Mr. Speaker:** I have just given you my advice. You are out of order.

**Mr. Roy:** I believe our batting average is not very good this morning. Is that not true, Mr. Speaker?

**Mr. Speaker:** Mine is perfect.

Have all the statements been distributed? May we ask for the indulgence of the House while statements are being distributed, or do members want to ahead with ministerial statements before the statements are distributed? Have they all been sent around? Okay.

**Hon. Mr. Grossman:** Mr. Speaker, do I take it

the House has agreed that the statements might be distributed? Okay.

### STATEMENTS BY THE MINISTRY PREBUDGET STATEMENT

**Hon. Mr. Grossman:** Mr. Speaker, I wish to present to this assembly a prebudget statement. This initiative represents a new and innovative approach to public policy development in Ontario.

My predecessors established an important process of prebudget consultation by meeting with many individuals and groups. To facilitate a full exchange of information and ideas, we are continuing this successful tradition and expanding the scope of our discussions. We are opening up the budget process to interested groups and the public at large.

**Mr. Haggerty:** How about the opposition?

**Hon. Mr. Grossman:** I am glad you asked that. So that members of this assembly may have an opportunity to comment and provide input, I will be taking this statement to a legislative committee the first Wednesday in January. We will see you all there.

2:10 p.m.

**Mr. McClellan:** A whole day in committee. Wowee!

**Hon. Mr. Grossman:** You won't have enough to say to fill a day.

This document presents an economic forecast for 1984 and sets out the imperatives for successful adjustment to worldwide economic transformation. It analyses our current fiscal circumstances and details major transfer payments for 1984. Finally, it provides a revenue forecast and evaluates appropriate deficit levels.

We believe those who wish to participate in the consultative process will benefit from having access to this information. We now have in place the framework for meaningful and productive discussions on fiscal, economic and social policy in Ontario, and I am confident that this more open process will enable us to produce budgets that fully reflect the values and goals of our people. No government is more determined to meet the economic and social challenges ahead than the government of Ontario under the progressive and sensitive leadership of our Premier (Mr. Davis).

Interjections.

**Hon. Mr. Grossman:** For many years.

**Mr. Speaker:** Order.

**Hon. Mr. Grossman:** Over the past year economic recovery in Ontario has strengthened

and gained momentum. In employment we have regained almost 90 per cent of the ground lost during the recession. Consumer confidence has also risen steadily during 1983. The major areas of strength at present are those typical at this stage of an upturn: consumer spending and the building up of inventories run down during the recession.

However, there are still four areas of concern. Despite relatively rapid development growth, unemployment rates are projected to remain relatively high. Investment, particularly in plant construction, has been slow to recover. Inflation also remains a cause for concern; while the rate of inflation is half what it was a year ago, inflationary expectations are still high. Finally, the economy remains vulnerable to a rise in interest rates in response to international financial developments.

Economic trends in Ontario are closely linked to those in the rest of Canada and to international developments, particularly in the United States. This is a result of the relative importance in Ontario of industries that engage heavily in trade with other jurisdictions.

The economies of most industrialized nations are recovering from last year's recession. The turnaround has been most significant in North America, although fortunes have also brightened elsewhere. While the rebound has been rapid, the world appears to be settling into a slower and more stable pattern of economic growth. This steadier pace may well help avoid the buildup of inflationary pressures and thus contribute to a more sustained expansion.

There have been very favourable developments this year in those key US sectors that have a direct impact on Ontario's economy. For example, there has been a sustained pickup in auto sales and in housing starts. Business investment has also revived, and retail sales have experienced steady growth. The Canadian economy turned around in early 1983, and growth has continued since. Employment growth has been rapid through the year, while inflation has decelerated.

Ontario has benefited both from the international economic resurgence and from the recovery in the rest of Canada. Several factors, including our diversified economic structure, have caused the pace of recovery to be faster in Ontario than in the rest of Canada. Retail sales, housing starts and employment growth have all been stronger in the province, and 196,000 jobs have been created in the 12 months since November 1982.

Our broadly based recovery includes strength in agriculture, forestry, mining, services and manufacturing. In the agricultural sector realized net farm income is expected to increase by 10.6 per cent this year. In forestry real output increased at a rate of over 28 per cent in the first half of 1983. The mining sector followed a similar pattern, with real output increasing at a 46 per cent rate. In the service industries, an increasingly important sector of the economy, 101,000 jobs have been created since November 1982.

The manufacturing sector, which was hard hit by the recession, is benefiting from the recovery as well. Our total automotive trade surplus with the United States in 1983 will exceed the surplus of 1982, which was the first since 1972. The turnaround has been significant in the paper, chemicals, nonmetallic minerals and furniture groups, and performance in primary metals and metal fabricating industries has also improved. Overall, manufacturing employment in November 1983 was 79,000 above year-earlier levels.

The May 1983 budget made a substantial contribution to the recovery. Budget measures, including the retail sales tax exemption on furniture and appliances and our expanded job creation programs, helped to stimulate economic activity.

I would like to present our current assessment of the economic outlook for 1984. Until now Treasury's economic projections have been presented as part of the provincial budget. As such they have reflected policy changes in that document. By providing this information now, we are establishing the framework for a more constructive exchange of views on budget policy to improve economic momentum next year.

I should emphasize, however, the outlook we are presenting here assumes no change in policy direction at either the federal or provincial level. There will undoubtedly be new developments over the next several months and international circumstances may also change.

We project in 1984 real output in Ontario will grow at the rate of 4.7 per cent. This is somewhat higher than the projected rate for the rest of Canada, but a little lower than the growth rate in the United States. I have attached a chart on these projections that shows that Canada and Ontario will significantly outperform the combined nations of the Organization for Economic Co-operation and Development.

Our gross provincial product growth in 1984 will, we expect, be driven by stronger consumer



spending, inventory rebuilding and a modest increase in machinery and equipment investment. The consumer price index is expected to increase by 5.3 per cent. While this is an improvement over the past several years, let me say, clearly and explicitly, 5.3 per cent is still much too high. There is still cause for concern about Canada's international competitiveness.

Wage increases will and must be moderate in 1984. However, consumer spending will remain relatively strong. Retail sales will rise 9.6 per cent, as a significant increase in the number of income earners helps generate a 9.4 per cent increase in the total personal income of Ontarians.

Total investment, that is, investment in plant and equipment and housing, is expected to increase by 10.4 per cent in 1984. The growth, however, is likely to come entirely from investments by business in machinery and equipment and from housing investment. Housing starts are forecast to increase to 58,000 units. However, the outlook for nonresidential construction projects remains very weak through 1984.

Economic recovery then is well under way. However, we continue to confront a major transformation of the economy. Traditional patterns of employment, skill requirements, investment and industry growth are changing dramatically. Each has profound implications for the structure of our economy, our public and private institutions and our individual work and lifestyles. Budget and economic policies must be directed at facilitating and managing these changes.

This transformation is caused by many factors. High real rates of interest are playing an important role. In addition, rapid introduction and dissemination of new technologies, increased foreign competition, growing protectionism and a still rapidly growing and changing labour force are all interacting to produce a critical mass of economic change.

The most significant changes are occurring in the areas of business organization, new technologies and human resources. The world is fast becoming one single marketplace, and this is changing the industrial structure of the entire world. Mass-production goods increasingly are being made in the lowest-cost countries of the Third World. At the same time, the comparative advantage of industrialized jurisdictions is shifting into high-value-added financial, scientific and business services on the one hand, and precision-manufactured, custom-tailored and technology-driven products on the

other hand. Economic policy must build on these strengths.

**2:20 p.m.**

While high-volume, standardized goods production is rapidly becoming the domain of the newly industrializing countries, sound economic policy can ensure this does not mean the disappearance of such industries in mature industrial countries. We must help these industries to restructure towards higher-value-added and technologically more sophisticated products; for example, specialty steels and chemicals, advanced machine tools and precision-engineered auto components.

High real rates of interest have slowed the growth rates of traditional, interest-sensitive industries. However, they will also accelerate the introduction of new technologies, particularly those that save capital. They are already encouraging the introduction of new inventory cost-cutting measures. In turn, the improvement in inventory control techniques will alter the location of suppliers relative to assembly plants, which in itself will change the industrial landscape. Similarly, the high cost of financial capital has led to a virtual revolution in financial products for both business and individuals. Again, this has profoundly changed the competitive environment of our financial institutions.

These are all permanent changes. They will produce significant improvements in the productive use of capital. Each will lead to a ripple of further changes in the economy, including employment dislocation and relocation. In every sector of the economy, businesses will have to adjust or be left behind. Budget policy must assist in this adjustment.

High interest rates have led to high unemployment throughout the industrialized world. This in turn has heightened international competition and increased protectionism as every nation attempts to increase exports, reduce imports and create jobs. Each has made the international, economic and political environment more challenging.

For example, high interest rates and recession have made Third World debtor nations more determined to increase exports to service their foreign debt. Similarly, their austerity programs have led to import restrictions, which increase the difficulties of selling even high-technology products in their markets.

The United States too is in the throes of an industrial-regional transformation. Several observers have pointed to the decline of some heavy industries in the United States, the rise of

high technology and service employment, the increasing openness to foreign trade and investment, and the population and industrial shifts from the northeast and north-central areas to the south and west.

These trends have been evident for some time, but they have been accelerated over the past few years by high real rates of interest, by an overvalued dollar, by the defence buildup and by regulatory reform. As the political process in Washington accommodates and adjusts to these transformations, there will inevitably be profound consequences for Canadian industry and Canadian public policy.

**Mr. Rae:** What is this, a seminar?

**Mr. Mackenzie:** Is this guy the Treasurer of Ontario?

**Mr. Foulds:** Is this your first term paper on economics 1? We do not care about this nonsense.

**Mr. Speaker:** Order.

**Hon. Mr. Grossman:** There is also an internal transformation occurring in our own work force. The labour force participation rate of women has risen from 38 per cent—

**Mr. Martel:** Don't give us lectures. Go give your lecture to somebody else. You are wasting the time of the House.

**Hon. Mr. Grossman:** If my friend does not care about women's issues, let him keep talking.

The labour force participation rate of women has risen from 38 per cent in 1966 to 56 per cent in 1982. The current rate is more than 70 per cent for women aged 25 to 54.

While there are a host of issues which face women today, among the most serious are those of economic opportunity and participation. My colleague the Minister responsible for Women's Issues (Mr. Welch) and I are addressing these issues related to women in the economy. Women must have the opportunity to make economic choices based on adequate knowledge of and equal access to training, career selection and investment and pension options. All of these issues must be addressed in budget policy formation.

Continued rapid labour force growth over the past 10 years has made job creation a social and economic imperative in Ontario. Indeed, we have outperformed most other jurisdictions in this regard—

**Mr. Martel:** Your restraint package is a pile of nonsense.

**Mr. Rae:** Nothing happened. What are you

doing now? What are you waiting for? You have done nothing all fall.

**Hon. Mr. Grossman:** As I told the member early in the week, I predicted he would say that instead of listening.

**Mr. Rae:** This is an abuse of the House, Mr. Speaker. He is not announcing a thing.

**Hon. Mr. Grossman:** I say to my friend, if you do not want this, do not ask for prebudget consultation.

**Mr. Rae:** Why don't you table the document? Table the document and let us get on with the business of the House.

**Mr. Speaker:** Order.

**Hon. Mr. Grossman:** Do not ask for it.

**Mr. Rae:** You are not creating a single thing, not one job. Not one young person will get any benefit from this. Not one older worker is going to get anything. Mr. Speaker, let us get on with some action.

**Mr. Speaker:** Order.

**Mr. Rae:** File it in tinsel, Larry. That is all it is. He is wasting the time of the House, Mr. Speaker. This is an abuse.

**Mr. Speaker:** I caution the member for York South (Mr. Rae). I will not caution him again.

**Mr. Martel:** I hope you say that to your colleagues the next time you try to put them down. I have listened to too much of this nonsense. You can name us all you want.

**Mr. Speaker:** Order, please.

**Mr. Foulds:** Sit down, Larry. The Speaker is on his feet.

**Mr. Bradley:** Where is Ian Deans when we need him?

**Mr. Rae:** This is a nothing. It is hot air covered in blue ribbon.

Interjections.

**Mr. Speaker:** Order. Now, I cautioned you.

**Hon. Mr. Grossman:** There is too much good news in it for them.

Indeed, we have outperformed most other jurisdictions in this regard. We must continue to do so. In the midst of this sea of economic change, our labour force growth will continue to outstrip other mature industrial jurisdictions.

In summary, this is only a brief glimpse at the mass of changes involved in the transformation of our economy. Many more will unfold. But one thing is certain. In this rapidly altering world, we will not return to what we have come to regard as "normal" in terms of the type of



skills requirements, the organization of institutions or the structure of our economy. All these changes will demand imagination and creativity in our budget strategies.

Economic transformation means first and foremost the transformation of our labour market. Service sector employment will continue to grow, as will international trade in this vital sector. Many more jobs will be created in business and information services, in computer software and in engineering and marketing. Employment opportunities will also grow in industries that produce high-technology products: robotics, aerospace, telecommunications, ceramics, lasers and health technologies. The use of new production techniques will help to maintain the competitiveness of some of our basic industries. Yet these industries will be compelled to restructure on the basis of new products and new methods of management. As a result, new skills will be required and growth in traditional employment will fall.

Industrial transformation, whatever its cause, inevitably destroys some jobs. But it can also create many more than it destroys. Budget and economic policies must focus on investing in the transformation to ensure that we gain the full benefits and realize the new job potential. We must make investments now, but we must make them for the longer term. Money spent on short-term, nonproductive programs is money taken from long-term human resource development and industrial and financial restructuring.

The key to emerging from this transformation with full employment and a strong, wealthy and competitive economy is investment. We must invest now, before it is too late, and we must invest wisely—in skills training, innovation and long-term job creation.

Our budget must seek net job creation in the private sector in excess of new additions to the labour force, higher real incomes in a noninflationary environment and maintenance of the economic and fiscal capacity of the province to finance priority social and environmental programs and to ensure our economic recovery.

We must create both more jobs and better jobs—secure jobs with high value added. In a rapidly transforming national and international economy, achieving these goals requires budgets that encourage investment, skill development, innovation, competitiveness and greater community involvement. These are issues to which I now turn.

Budgets can help to create an environment conducive to investment in at least three basic

ways. The first is to avoid sudden, unco-ordinated changes of direction in economic policy. For example, changes in the rules governing saving, investing and working must be pursued in a spirit of public consultation and intergovernmental co-operation. Stability and clarity in the rules of the game are even more critical in a period of rapid economic change. While the federal government has not always been responsive to this need, Ontario has consistently championed this fundamental objective. This statement is a further effort to increase public participation in the development of that policy.

Second, budgets must ensure that the rewards to investing in Canada are comparable to those abroad, particularly in the United States. In part, this requires maintaining competitive tax rates. As outlined in appendix C to this statement, Ontario has done this, and we will continue to do so.

Third, budget policy must not allow public sector domination of the economy. This demands sound financial management in the public sector, an issue to which I will return.

**2:30 p.m.**

The internationalization of the economy has been accompanied by the growing mobility of capital and technology. People—human resources—tend to be less mobile. Therefore, future investment location decisions will depend increasingly on the availability of human skills and knowledge. These things will be the key determinants of national wellbeing.

Moreover, a rapidly changing economic environment, coupled with a shifting composition of the labour force, also demands that a high budget priority be given to education, training and retraining. The current work force must be able to move from low skill levels to high skill levels, from declining firms and industries to expanding ones. As well, they must be able to adjust to new flexible production systems. Similarly, new entrants or re-entrants to the labour force will be more quickly absorbed if they have access to training or retraining.

Experience with our existing programs suggests that specific skills are best acquired while on the job. Budget policy must foster this. At the same time, our colleges and universities are best at teaching core skills, learning techniques and knowledge which are essential to an individual's future adaptability to a changing economy. Growing enrolments reflect the widespread recognition of this fact. Accordingly, the ability of our colleges and universities to continue to



respond effectively to these needs should be a high priority of social and economic policy.

We must continue to focus on training and education to resolve the critical problem of youth unemployment. Traditionally, young people have had significantly higher unemployment rates than those 25 years of age and over. This reflects lower levels of experience, fewer skills and more time spent in searching for a rewarding career opportunity.

Moreover, the recession of 1982 hit young people especially hard. Young workers typically suffered first. Lack of seniority led to early layoffs and there were too few job opportunities for new entrants. This is not to minimize the fact that more senior workers also suffered large increases in their unemployment rate. But youth unemployment went up from a rate which was already high by comparison.

While the youth unemployment rate has dropped from 18.6 per cent in November 1982 to 14.7 per cent this November, there are still 155,000 unemployed young workers in Ontario. This is unacceptable.

**Mr. McClellan:** Thanks for telling us. We are deeply grateful.

**Mr. Foulds:** It sure as hell is unacceptable. What are you doing about it?

**Mr. Speaker:** Order.

**Hon. Mr. Grossman:** We are resolved to speed the flow of young people into the general economic recovery. Again, however, a major focus should be to ensure that our youth acquire the skills and the experience to prepare them for the future as well as find immediate employment.

Economic recovery has brought about a sharp increase in the number of jobs for all age groups. As indicated earlier, the province's job creation policies have accelerated this trend. Young people have been and continue to be the focus of much of our efforts. In 1983 alone, we have supported the creation of more than 100,000 jobs for young workers.

Although funding for most of the existing programs is now fully committed, some of our new initiatives—for example, the young Ontario career program—still have thousands of openings. Furthermore, other 1983 job creation initiatives are still on stream or coming on stream, and they are providing new jobs daily. We believe there is a need to provide still more training and job opportunities for young people, particularly during the winter months. I will announce appropriate improvements to our

existing programs and some new initiatives within the next few weeks.

In addition, at our meeting in Montreal, ministers of finance agreed to explore innovative ways to use unemployment insurance funds and Canada assistance plan funding for job creation.

The international environment has placed renewed emphasis on enhancing our international competitiveness. There are two central elements to this task. The first is to increase productivity. The second is to ensure that our income demands do not outstrip the gains in productivity. Increasing competitiveness is the surest way to produce more jobs and higher real incomes.

**Mr. McClellan:** They must be proud of themselves if this is the best they have to offer the people who are laid off in Ontario.

**Mr. Laughren:** The Tories must be embarrassed at this garbage.

**Mr. Speaker:** Order.

**Hon. Mr. Grossman:** All industrial jurisdictions have experienced a trend decline in productivity growth over the past 10 years. Increased energy prices played a role. Also, the work force has grown so rapidly that the amount of capital per worker has fallen. But these do not explain all or even most of the decline in productivity growth. A substantial part of the decline was due to a slowdown in both technical innovation and the adoption of new techniques of organization.

Yet this is beginning to be reversed. For example, the world is now entering a period of intense technological innovation. Recent advances in microelectronics, computer-aided design, fibre optics, ceramics, robotics, information processing and biotechnology are just the beginning.

We must develop budget and economic policies to accelerate this wave of innovation. The world economy is becoming a competition in which the first to introduce new technologies gains market shares which then yield the dividends for further innovation and expansion. We must invest in the business, research and technological skills necessary to ensure that our own high-tech industries succeed in this competition.

Existing manufacturing industries are also undergoing a significant transformation. The use of computer-aided design and manufacturing has become increasingly widespread, particularly in the machine tool industry, the automobile and aerospace industries and the

resource sector, but it also has important implications for more traditional industries such as footwear. Our budget policy must seek ways to catalyse these changes.

It is not enough simply to focus on increasing productivity through technological innovations and human resource development. Our economic policies must also play an active role in the reduction of domestic inflation. The public sector wage restraint program and the restraint of administered price increases have helped substantially. They reduced double-digit cost escalation in the public sector and, in combination with a similar federal program, reinforced moderating trends in wage and price pressures in the private sector.

It would be wrong, however, to believe that inflation is no longer a problem. We know that inflation can cost jobs through the loss of competitiveness. We continue to be in some danger in this regard. Since 1980 we have lost competitive ground relative to our trading partners. Renewed inflation will put all of our markets, both at home and abroad, at risk.

Deliberately creating recession to control inflation entails huge costs. There is little doubt that the deep recession just ended was partly the result of restrictive monetary policies in the United States and other industrial countries, including Canada. Those policies were a response to double-digit inflation set off by the 1979-80 round of international oil price increases.

Despite the recent decline in inflation, there is no guarantee we will not face similar kinds of disturbances again. Yet we have seen what enormous costs in lost output, jobs and human suffering our present national and international monetary approaches entail.

This budget process must begin a serious search for new policies to encourage a closer link between income gains and productivity increases. Perhaps this can be accomplished through vehicles such as profit-sharing arrangements. In any case, now is the time to hear new ideas. The jurisdiction that resolves this most fundamental issue will insulate itself from foreign disturbances, gain a major competitive edge and free itself from the tyranny of restrictive monetary policy. We are prepared to be innovative and creative. I say this as both a statement of intent and a challenge to business and labour.

I believe Ontario's economy is based on distinct economic communities. Each has its own unique resources, opportunities and problems. Each represents a complex interaction of

industries, local suppliers and human resources. Each exports and imports. Each represents the nucleus for a creative response to economic transformation.

Communities can develop a threshold of economic activity that suddenly accelerates into an ever-expanding interaction of new investments, innovative spinoffs and new skills development. Famous examples can be found in the Silicon Valley in California and around Boston; we have our own examples in Ottawa, Toronto, London and Kitchener-Waterloo, to name a few. Our idea is to create many more such examples, each with its own unique characteristics, each accentuating its own human and natural resource base.

As the transformation proceeds, we believe the community must be an even more integral part of the process of facilitating and investing in this change. New technology can accelerate development everywhere in Ontario. It can improve productivity and competitiveness in the agricultural and resource regions, accelerate investment and change in our industrial heartland and provide new opportunities and services.

Our success in capitalizing on the opportunities of the 1980s will depend critically on the involvement of our municipalities in this process of adaptation and change. Accordingly, we are actively considering new policies involving flexible community development assistance centred around new enterprise areas and geared to local enterprise and initiative. I invite comment on how we might implement these.

**2:40 p.m.**

In 1980, this government created the Board of Industrial Leadership and Development, charged with the task of marshalling provincial resources to support and facilitate the industrial transformation in Ontario. Appendix B to this statement documents the program of investment in human resources, industrial competitiveness and community development initiated by the board.

I turn now to our capacity to invest in economic transformation. Making strategic investments without jeopardizing our fiscal stability will present a major challenge. In assessing our ability to meet this challenge, I would like to review our current fiscal situation and the deficit.

In terms of fiscal policy, some will suggest that the economy requires added stimulus and that the deficit should be allowed to rise. Others will argue that growing deficits are inflationary, contributing to higher rates of interest and



impeding long-term economic growth. In order to assess these options, we must look at the deficit level from several standpoints, including historical trends and comparative performance.

While our deficit has increased during the past two years, and this is a matter of concern, the increase has been far lower than that experienced at the federal level in the United States and Canada, as well as by other Canadian provinces. Further, as a proportion of gross domestic product, our deficit is less than it was in 1975-76. In the United States, by comparison, the financial needs of the government have grown sizeably since 1975-76. For the past two years, the United States deficit has stood at about \$200 billion—6.3 per cent and 5.4 per cent of the economy. This is the highest level since the Second World War.

This is a major source of concern, as public sector financing requirements may dominate capital markets, crowd out borrowers and place upward pressure on interest rates. Such developments would impede economic recovery and place further pressure on our deficit.

Recent experience at the federal level in Canada is equally disturbing. The federal government's cash requirements or deficit is estimated at \$27 billion for 1983-84, or 6.7 per cent of the gross national product—well above the 2.9 per cent level recorded in 1975-76. When we compare our deficit level with other provinces on a per capita basis, or in relation to the size of the economy, we are in the most favourable position. Details are included in the chart that accompanies this statement.

In recognition of our strong economic base and commitment to sound fiscal management, we continue to have the highest possible credit rating. That rating has enabled us to obtain the best possible terms, conditions and provisions on financing, borrow at lower rates and choose among a wider range of markets. For taxpayers, this has meant a much lower burden of public debt interest.

Last week, all ministers of finance agreed that the continuation of deficits is a matter of concern to all governments in Canada. I believe our deficit level must be reduced over a period of time. In assessing our capacity to achieve this objective, I would like to outline the relationship of our deficit levels to capital expenditures as well as examine current trends in budget spending.

First, I will deal with capital investments. Government has a clear responsibility to provide many social services as well as to influence

and encourage economic growth. As such, we are a major investor in basic infrastructure, from hospitals and schools to roads and serviced land.

In private industry, it is an accepted principle that the cost of capital investments be amortized or spread out over a period of time. In government, we do not use this accounting principle. Public sector capital costs are treated as a current expenditure and written off, as it were, on a 100 per cent basis in the first year. While that is the accepted basis for public sector accounting, it tends to obscure the long-term economic and social benefits associated with such investments. Therefore, it is important to examine our budget from the perspective of capital spending. In fact, cash requirements have been less than capital investment in five of the past nine years. In some jurisdictions, this would have been called an "operating surplus."

While the deficit issue is not as onerous when viewed from this perspective, in no way do I wish to minimize our concern about current deficit levels. Although the deficit was less than capital spending for four years, up to and including 1981-82, our cash requirements have risen above capital spending in the past two years. That was appropriate given the need to stimulate the economy and maintain our programs of social assistance, but now we must strive to reduce the deficit below our level of capital investment.

A policy of deficit reduction should concentrate on containing expenditures rather than increasing taxes. Yet when we examine which major areas of government spending can be further reduced, we must bear in mind that the largest proportion of our expenditures is already committed for health, education, social services and local governments. A policy of massive expenditure reduction would clearly affect these important services.

To date, we have chosen not to pursue such a course of action. While we have restrained growth in these areas, we have maintained realistic levels of support. To continue this we must, and will, increase transfer payment levels next year, a subject to which I now turn.

On November 8, I announced that next year our transfer payments to municipalities, school boards, universities and other publicly funded institutions, as well as allocations for our own civil servants, will provide for average compensation increases of up to five per cent.

I also informed members on an earlier occasion that, in response to the requests of transfer



recipients, the levels of transfer payments would be announced before the end of this calendar year. Today I wish to outline the percentage increases in a number of these payments. My colleagues the Minister of Education and Colleges and Universities (Miss Stephenson), the Minister of Municipal Affairs and Housing (Mr. Bennett) and the Minister of Health (Mr. Norton), will provide further details to recipients and others.

Before determining these allocations, my colleagues and I met with many groups affected by the transfers, including the Ontario Hospital Association, the Council of Ontario Universities, the Ontario Public School Trustees' Association and the Association of Municipalities of Ontario. We thank them again for their valuable advice and counsel.

While the transfer levels I am announcing incorporate a five per cent increase for average compensation, we have considered other important factors affecting the funding requirements of some transfer payment programs. Those factors include changes in public utilization as well as program expansions and reductions. In addition, we should remember that some payments, such as per capita grants, are not tied directly to the costs of services.

I would also like to emphasize that these are all average figures. They apply to the total amount transferred by the province. Individual institutions will receive different percentage increases based on individual circumstances. Therefore, recipients should not expect all transfer payments to increase by the same five per cent figure next year.

First, I will deal with education. Operating grants to the university sector will be increased by 6.5 per cent next year. This reflects the five per cent wage and salary guideline plus additional requirements. Colleges of applied arts and technology will receive an average 7.5 per cent increase, also reflecting wage guidelines and other requirements. In the case of school boards, the growth rate in the general legislative grant will be five per cent.

Turning to the health sector, we plan an average increase of eight per cent in operating grants to hospitals in 1984-85. This is designed to accommodate the five per cent guideline as well as full implementation of programs previously in place and growth in utilization.

Finally, turning to municipalities, I wish to indicate that the percentage increase in unconditional grants in 1984-85 will be five per cent.

Details on other municipal grant programs will be announced over the next few weeks.

We believe we have developed a framework designed both to contain costs and provide realistic and fair compensation to those employed in the public sector. In the end, however, all of us, both employers and employees, have an individual responsibility to exercise restraint. Further, we must continue to ensure that high-quality services are delivered to taxpayers in the most cost-effective way possible. Efficiency in this government is a priority at all times, not just during a period of restraint.

This, of course, has been a major focus of our fiscal policy. When our expenditures are examined in relation to those of other Canadian provinces, it is clear that we have achieved considerable efficiency. In assessing the scope for further efficiencies, the members will be interested in some recent trends in our programs.

**2:50 p.m.**

A chart included in this statement shows that spending on hospitals, medical services and other health care programs takes a significantly larger share of the budget today than four years ago. Resource programs and social services also occupy a greater proportion of total spending. Relative spending on education has reflected flattened growth in enrolment. However, the decline in budget share has been concentrated in the general government expenditure category where we have continued to trim overhead costs.

In the future, it is likely that we will still have to direct an increasing proportion of the provincial budget to health care. This is due in large part to shifts in the age structure of population. In 1981, those aged 45 and over comprised 30 per cent of the population. By the year 2006 an estimated 43 per cent will be in that age group. This suggests that any major reductions in health spending are unlikely and inappropriate.

My colleague the Minister of Health is undertaking important efforts to realign the system so that it reflects these demographic shifts while enabling us to control cost increases. But this will require great co-operation from all.

While health care costs continue to take a large and increasing share of our budget, health spending in Ontario, including private spending, is not out of line with the rest of Canada. When measured in relation to the economy as a whole, total public and private expenditures in this area are considerably less than health care spending in the US.

While on the subject of health care, I wish to

reiterate our concern over the federal government's failure to pay a fair share of the costs in this area. Since 1979-80, Ottawa's share of Ontario's health care costs has declined from more than 49 per cent to 41 per cent. These figures include the 1977 tax transfer, as well as the recently announced payments of funds owed by the federal government. In terms of cash alone, federal grants now cover—

Interjections.

**Mr. Speaker:** Order. Will the member for Nickel Belt (Mr. Laughren) just restrain himself, please?

**Hon. Mr. Grossman:** In terms of cash alone, federal grants now cover only 24 per cent of provincial health care costs. Further, the new federal health legislation would empower the federal government to reduce health care funding even more by way of regulation.

Because of their large share of the budget, health care costs have implications for all areas of government spending. Unless the federal government increases its levels of health care funding, other programs may face a declining share of the provincial budget or taxes may have to be raised.

As I indicated earlier, our flexibility to effect further reductions in government spending will be severely limited by the major portion of the budget committed to local governments, education and services for people. A chart in this statement shows that these allocations, when combined with public debt interest, account for about 82 per cent of the budget. Out of the remaining 18 per cent, we must pay for programs such as the administration of justice and provincial highways, as well as our own salaries and wages in the public sector in the province.

Nevertheless, it may be in areas such as these that we will have to find the scope for further efficiencies. As our discussions continue, I look forward to advice and suggestions from the public on ways in which we can further reduce government spending.

At the same time, we will examine the issue of taxation. In so doing, we must be very sensitive to the negative impact that tax increases can have on individuals and businesses, particularly during a period of recovery. An increase in the sales or personal income tax could retard consumption growth. An increase in corporations income tax could slow capital investment.

Alcohol and tobacco taxes are already quite high and further increases could have a negative

impact on the tourism industry and tobacco farmers.

In any discussion of tax increases, we must also keep in mind the need to maintain a competitive business environment, one that continues to attract job-creating investment. Appendix C to this statement compares our tax levels with those of other provinces and industrialized American states.

Before leaving the subject of taxation, members will recall that in the 1983 budget my colleague the member for Muskoka (Mr. F. S. Miller) announced that a review of the mining tax and the small business development corporations program would be undertaken. That process is now under way and I look forward to further public input in these two areas.

In discussing the dimensions of our 1984 budget, I would like to outline the guidelines within which we must operate.

First, budget policy must be developed within the framework of estimated overall expansion in the economy, which of course is the basic determinant of revenue growth. Experience has shown that in the absence of taxation changes, our revenues increase at a rate slightly lower than the growth rate of gross provincial product.

Second, we must keep in mind the major transfer payments I have just outlined as well as the compensation guideline outlined in November. These commitments, plus our allocation to medicare, will account for more than 50 per cent of our expenditures in 1984-85.

Third, in my opinion we have to contain and reduce the deficit. For reasons I outlined earlier, it was appropriate to allow the deficit to increase during the recession. Now that the economy is growing, however, the level of our deficit must be stabilized or reduced.

The preliminary forecast for 1984 indicates that revenues will be \$24.1 billion, an increase of 8.2 per cent. This represents the amount that will be yielded by taxes and other sources of revenue and assumes no change in various taxes and bases.

Clearly, this amount of revenue will restrict our flexibility. If, for example, we were to allow expenditures also to increase by that same 8.2 per cent, reflecting the rate of growth in revenues, the deficit would rise to over \$2.9 billion. We must, in my view, take steps to stabilize or reduce, not increase, our deficit next year.

In examining provincial borrowing requirements, it is necessary to take into account borrowing by Ontario Hydro. This is an important factor in the determination of capital



availability, in the assessment of our credit rating and in the long-term interest costs borne in total by our citizens.

After careful review and evaluation of its current borrowing plans, I have indicated to Ontario Hydro that I need it to reduce its 1984 borrowings by \$200 million. Hydro has agreed to do this.

I would like to conclude this statement with the following thoughts.

The challenges we face are formidable. Unemployment among young people is a serious and complex problem. Overall rates of unemployment are still too high. The pressures of inflation remain. Deficit levels for all governments must be reduced. There is massive industrial transformation under way.

In this report, we have presented an analysis of Ontario's economy and public finances. In so doing, we have established the framework for meaningful discussions on budget policy. I am confident that out of those discussions will come a budget that makes an important contribution to our goals of sustained recovery, long-term growth and new job creation.

Further, budget policy must also address our social priorities. It must address those priorities directly through sensitive and creative tax policy and indirectly by helping to create a dynamic economic environment which generates sufficient revenues to support and expand our social systems.

We believe that by creating clear incentives for investment we can help to ensure continued growth and provide for the needs of our people.

We should not delude ourselves into believing, however, that government budget policy can by itself guarantee employment growth and economic recovery. We will also need the dedication and commitment of those in the private sector, both labour and business. They will have to be as efficient as they expect government to be. They will have to restrain their own prices and wages just as they expect us to restrain taxes and expenditures. They will have to invest in our economy. They will have to invest in their businesses, in their jobs, in equipment, in people, in innovation, in skill training, indeed invest in co-operation itself.

We will encourage this investment to the best of our ability, but in the end it will require the commitment and determination of all Ontarians.

Our objectives are clear. To find ways of meeting those objectives, we are asking for constructive advice and creative ideas from all segments of our economy and from people in all

parts of the province. This document has been prepared to encourage that input. Every suggestion we receive will be carefully considered as we prepare the social and economic document that will be the 1984 Ontario budget.

[Applause]

**Mr. Speaker:** Statements by the ministry; the Minister of Education and Colleges and Universities.

**Hon. Miss Stephenson:** Come on fellows, cool it.

3 p.m.

### RESHAPING OF UNIVERSITY SYSTEM

**Hon. Miss Stephenson:** Mr. Speaker, there has been in recent months, and indeed in recent years, a great deal of discussion about the role of universities in today's society, and the structure of the university system and the various government policies that have attended the development of the universities in this province over the past two decades. In recent months, I have intentionally encouraged discussion on these matters and as a result have received many interesting ideas from various groups with an interest in universities and from the public at large.

This discussion has not been unique to Ontario. The matter is one of consideration and debate right across the western world. Given the foundations of the universities, I believe this is a discussion that will always be with us and rightly so. I will begin by reminding members of some of the background to this important discussion.

Twenty-five years ago there were five universities in Ontario serving 22,000 students. The universities at that time were largely independent institutions, and proudly so, and perhaps somewhat elitist in outlook and practice. They constituted almost the entire post-secondary sector of Ontario. Even in 1960, when student numbers stood at about 30,000, public funding for the universities ran to only \$25 million. Today there are more than 180,000 full-time and 100,000 part-time students enrolled in Ontario universities. The cost to the taxpayer is more than \$1.1 billion annually.

These changes were brought about by necessity. In the early 1960s the universities carried the responsibility of meeting the sharply rising demands for further education. The government adopted a policy whereby qualified students might attend university unimpeded by



financial considerations. In announcing a new student aid program in 1959, the Honourable James Allan, Treasurer of Ontario, stated that "the government's objective was to ensure that no student who has the capacity will be deprived of the opportunity of attending university and developing his talents to the fullest possible extent."

At that time, however, it became apparent that to meet the highly diverse interests and needs of our population, accessibility to post-secondary education had to be more broadly defined. The Premier (Mr. Davis), then Minister of Education, in 1965 said: "We probably must now recognize the inevitability of some form of post-secondary education, i.e., beyond grade 12, for all capable of profiting from it. Further education must be provided for in a variety of courses or programs, varying in length from a few weeks to six or more years, in new types of institutions, as well as in universities." To meet this need, the colleges of applied arts and technology were established.

The emphasis on diversity was continued in the 1972 report of the Commission on Post-Secondary Education in Ontario, commonly known as COPSEO, which stated, "A system of post-secondary education committed to the principle of universal access must vigorously pursue the goal of educational diversity."

The development of the colleges of applied arts and technology has led to a tremendous growth in overall post-secondary enrolment and places Ontario proudly in the forefront of the industrialized countries in this world in terms of participation rates. The college system has met and continues to meet the challenges of training, retraining and community development through post-secondary education.

Turning to the relationship between government and the universities, the basis of the government's policy has been in place for many decades. Post-secondary education has developed on the basis of a diversity of institutions rather than a single institution, and government has recognized it should avoid involvement in the internal governance of the institutions.

The Spinks commission report of 1966 presented a major challenge to this policy. In its concern about the dangers of unrestricted competition for resources, that commission advocated the establishment of a university of Ontario with a governing superstructure to provide more systematic planning and control. This aspect of the report was, I believe, rejected by all parties at the time. COPSEO, however,

considered various options for government-university relationships. That committee advocated a middle road between total control and a totally decentralized system by suggesting a buffer body with executive powers delegated to it by both government and the universities.

The Commission on Post-Secondary Education also dealt with the research responsibility of universities. This vital role of the institutions has been the subject of considerable debate over the years. That Commission on Post-Secondary Education was very critical of the mechanical linking of research funds to graduate instruction in the funding formula. It recommended the separating out of funding of certain kinds of research and instructional costs for the purpose of providing better planning of graduate studies and as a "powerful solvent of institutional rigidities."

While indicating its preference for the decentralized system in place at the present time, the Committee on the Future Role of Universities in Ontario foresaw that government intervention would be needed under certain scenarios. It indicated a preference, in circumstances of financial stringency, for a one-time intervention for the purposes of restructuring, followed by a return to a decentralized system of autonomous institutions.

The government indicated, in response to the report of the Committee on the Future Role of Universities, that measures such as closure of institutions were unacceptable. Following release of the report, discussions took place among the Premier, the university presidents and myself to identify alternative ways of bringing about the kind of rationalization which the committee felt would be necessary under continued conditions of financial restraint.

However, the diversity which makes our universities strong also makes it impossible for them to reach consensus on the actions needed to bring about such changes. None the less, the government remains committed to the view that an in-depth examination of alternative approaches to university education at the operational level is necessary.

With regard to the role of the university system in society, the Ontario Council on University Affairs in 1978 proposed to government a set of objectives which government recognized and accepted as meeting the needs of the people of Ontario and Canada. These objectives and the commitments of the past have served Ontario well. We are now in a new era with new challenges and new needs.

We shall have to face the future in ways that are anticipatory, enhancing those things we do well and selectively improving or eliminating other things. Both government and the universities are agreed that, above all, excellence must remain the highest priority for our universities. It is the development and maintenance of this excellence that is vital to the future of the universities and the people of Ontario.

The dangers associated with enrolment forecasting are not new, and we all know that reality does not necessarily follow demographic projections. We must face, however, over the coming five to 10 years, the very real possibility of a reduced demand for university places.

Statistics Canada data indicate a decline in the traditional 18-to-24 age group, the basic group from which universities continue to draw the major portion of their enrolments. Similarly, the study released in October by the Council of Ontario Universities outlines four scenarios for enrolment to the year 2000. All four project downturns in enrolment through the 1990s.

Furthermore, research has shown a positive correlation between youth unemployment and undergraduate enrolment. It is logical, therefore, to anticipate a reduced demand for undergraduate post-secondary education in its traditional forms at least as we move into and through the period of economic recovery.

May I stress, however, that the government is not proposing a narrow approach to planning for university education in the 1980s and 1990s. It is indeed possible that some combination of employment factors; participation, including part-time study; retention rates, and population shifts may result in continued high demand for post-secondary education.

**3:10 p.m.**

My colleague the Treasurer (Mr. Grossman) has already introduced a new restraint program for this province. His statement reminds us that we must not ignore the continuing economic reality of our times. We have no choice but to continue to exercise restraint in all the activities we undertake with taxpayers' money.

In any consideration of the relationship between the government and the universities, we must also recognize the role of the federal government in the 1980s and 1990s. The federal government, fully aware of the cost of university education and of the still-growing demand for a highly educated populace, is seeking greater visibility for its financial support and greater accountability for its expenditures on university education.

We in Ontario have long considered our universities to be national resources, educating as we do a significant number of students from all the other provinces of Canada. We recognize the federal government as a partner in the development of a responsive and relevant higher education system in this new era, while we hold firmly to provincial constitutional rights in this area. We cannot ignore the potentially damaging changes in the financial arrangements between the federal and provincial governments at this time.

The arbitrary removal by the federal government of the 1977 revenue guarantee and the imposition this year of the six and five restraint factor to that portion of the transfer payments that the federal government attributes to post-secondary education merely continue the pattern of federal reductions and compound the difficulties faced by the provinces in seeking to maintain excellence in higher education at a time when our province and our country most require it.

The impact of federal actions is felt in another, more subtle but more serious way. As basic transfer funds are whittled away to permit earmarked federal expenditures on aspects of post-secondary education unrelated to traditional undergraduate teaching activities, our capacity to meet our past commitments to accessibility for all qualified applicants is similarly eroded. Without downplaying in any way the value of federal initiatives in research and development, we must express grave concern about the offsetting reduction in those areas that serve to ensure traditional university strength and accessibility.

Studies initiated by the Canadian Committee on the Funding of University Research and carried out by the Canadian Association of University Business Officials in 1979 and 1982 indicate that the indirect costs of expanded research activity are adding a great deal more burden to regular operating costs of those institutions than had been thought previously. In the ongoing federal-provincial dialogue this issue must be taken into consideration so that resources available for the institutions' other activities are not squeezed by expanding costs of federally sponsored research.

The federal-provincial issue is only one of the significant areas of change that we have to face in the 1980s and 1990s. Another is the need to come to grips with a major shift of emphasis in our society as a whole, a shift reflecting the change from an almost exclusively industrial-



based society and economy to one that is increasingly information-based.

Emerging technologies call for a new emphasis within the university community, and the new emphasis argues for a preservation of great strength in liberal arts curricula, while developing and integrating these with the vast and expanding array of skills and knowledge connected with such areas as microtechnology, biotechnology and the computer-related resource developments that are already upon us. We must ensure that a healthy balance remains between the development of specific skills and the wholeness of knowledge traditionally associated with the university.

Our universities have been active in meeting this shift, and so has the government. The Board of Industrial Leadership and Development has played a major facilitating role. At the time of its establishment in early 1981, the board recognized that Ontario's strongest asset continues to be its human resources, and the shaping of these human resources into productive, creative members of our society continues to be a task left heavily to our education systems. We can no longer afford, however, in economic or social terms to maintain any system of education without more precise targets, more defined directions and more responsive institutions and programs to meet the needs of Ontario.

At the same time, we must ensure that the universities do not become viewed as skills factories concentrating on short-term skill development at the expense of producing graduates who, while skilled, are also educated and able to help themselves and their society adapt to still unknown changes.

One of our greatest human resources is our university faculty. Professor Peter M. Leslie in his 1980 study for the Association of Universities and Colleges of Canada referred to the ageing of university faculty as the greatest problem facing Canadian higher education; avoiding the loss of an academic generation is its greatest challenge. In 1982-83 more than 30 per cent of Ontario university faculty were over the age of 50; this figure has risen from 22 per cent in 1977-78. At the same time, the proportion of new blood in the system represented by those below the age of 35 has declined in an equal but opposite fashion—from 21.3 per cent in 1977-78 to 12 per cent in 1982-83.

We must, therefore, develop over the next few years a more flexible and dynamic response to faculty requirements. To do so, we will need the co-operation of faculty as well as the creativ-

ity of academic leaders. We must consider the full range of incentives, rewards and opportunities to encourage faculty mobility where it is lacking, development where it is needed and retirement where necessary or advisable. Faculty renewal will be a cornerstone of the government's plans for our revitalized system in the 1980s and 1990s.

Having reviewed the historical development of our university-government relationship, it is clearly appropriate that we pursue this commitment in a broader context and in the context of economic realities.

The universities in Ontario were built by the co-operative action of communities, academics and government. They will continue to be developed through this type of co-operative action. Nevertheless, the time has come in the relationship between government and the universities for government to exercise leadership through a short-term intervention in the planning process.

The government sees a need to appoint a commission to produce a detailed operational plan to effect the necessary changes in the university system to address these issues.

**Mr. Bradley:** What was wrong with the Fisher report?

**Hon. Miss Stephenson:** The member has not read the report, obviously.

Since its establishment in 1974 the Ontario Council on University Affairs has tendered advice on a whole wide range of subject matter regarding the university system and it will continue to do so. Currently, the council is preparing advice on a number of issues of vital interest to both the university community and the government. These issues concern matters such as program approvals, fees, incremental costs of bilingualism and graduate planning.

The council will continue to have a major influence on the shape of things to come. I believe, however, that it would be inappropriate to add to the already significant task of the council the immediate and additional burden of this undertaking. Therefore, the commission is being asked to present to the government a plan of action to reshape the university system. This reshaping will maintain and enhance the quality of university education by ensuring the appropriate concentration of academic strengths in the areas of intellectual and social importance.

The commission will not be expected to involve itself in prolonged debate at the conceptual level but will capitalize on the extensive work that has already taken place in the recent



past and derive from it a specific operational plan. Without appearing to restrict the scope of activities that the commission should pursue, I should like to outline a number of issues that clearly fall within the mandate of this undertaking.

The first issue concerns the structure of the universities as a system. What we have in Ontario today is a number of universities, each with its own history, all developing under a definition of the university which reaches back to the Middle Ages for its origins.

I believe the universities of tomorrow should have a more clearly defined, different and distinctive role. Each one of those should assume a character and a structure which is consistent and compatible with that role. I also believe this plan for tomorrow can be accomplished without reducing the number of universities in Ontario, although fundamental changes may be necessary to some or to all of the institutions.

**3:20 p.m.**

Each university cannot aspire to universality. The individual universities must be encouraged to build upon their unique academic strengths. In the process, the commission will deal with a number of related issues. The government believes the establishment of highly specialized designated-purpose institutes through co-operative involvement of the universities and the business sector could contribute significantly to our economic recovery. This type of specialization would serve to provide expertise that could respond to provincial and national objectives as well as to industrial initiatives, while maintaining a high level of research activity.

The commission will consider the designation of specific universities as centres of specialization with a view to preserving and developing further a calibre of teaching and research that is characteristic of those that play a pivotal role in Canada with their international reputations.

As well, the range and nature of programs appropriate to the role of each institution with reference to historical strengths, geographic and language considerations need to be established. At the same time, recognition must be accorded to the necessity of differing proportions of research and teaching within individual institutions to enable a level of dedicated service to the university's community.

I shall also ask the commission to consider the issue I referred to earlier concerning technological advances in the delivery of university education. The use of this technology with reference to the provision of opportunities to geo-

graphically remote areas as well as the cost effectiveness that such technology may bring must be developed as a key part of our plan for tomorrow.

Secondly, the issue of accessibility to university-level education needs to be addressed and articulated in the context of a differentiated university structure. Minimum admission requirements for some time now have been interpreted to mean a 60 per cent average in grade 13. I would postulate that our university system can adopt a policy of accessibility consistent with and appropriate to its various missions as well as the individual missions of the institutions. The commission, therefore, will clarify the meaning of accessibility in the context of economic realities in its recommendations on restructuring within the university system.

**Mr. Cassidy:** That means you are going to shut out working-class kids. That is what you are going to do.

**Mr. Speaker:** Order.

**Hon. Miss Stephenson:** Its review should recognize the importance of new patterns of credit study that embrace the concept of life-long learning, including part-time and recurrent education.

The commission will address a number of specific issues related to accessibility, such as the need for and the form of general and specific entrance examinations to the Ontario university system, with particular reference to the new secondary school curriculum structure.

Concerns expressed by parents, students, academics, university administrators and taxpayers have caused me to reflect critically on the needs of the people of the province. In this matter I must indicate my growing sympathy for the position taken recently by the Ontario Council on University Affairs that career-related programs in universities should be assessed in terms of economic and societal needs. It is important not only to respond to new program initiatives in the light of such needs, but also to undertake as well a zero-base review of our current programs in all of our institutions.

I am led, for example, to wonder whether we truly need 10 faculties of education producing over 3,000 graduates annually at a time when the potential for teacher employment remains uncertain. Similarly, the Law Society of Upper Canada has expressed real concern about the number of graduates produced annually by our six law schools. These faculties are expensive to

maintain, particularly if employment opportunities for their graduates will be severely limited.

The difficulties inherent in forecasting manpower requirements, particularly over the time necessary for the planning and adjustment of university-linked programs, are very well known. Notwithstanding this, and recognizing the high level of sensitivity in this area, I am specifically charging the commission to address the need for a process whereby adjustments could be regularly made to the resources allocated to the professional programs, such as education, law, medicine and dentistry, for example, and to the level of enrolment in these programs to respond to changing labour market requirements.

The third issue is that of resources for the university system. Continued restraint in public sector spending is necessary if we are to facilitate the province's recovery. As I have noted, our federal-provincial fiscal arrangements with respect to post-secondary education make it imperative that our expenditures in university education be constrained within that strategy of restraint.

The Ontario government will continue to allocate to the university system global operating grants as generously as it possibly can, consistent with this policy. The commission will address the method of distribution of these grants to the universities. The government's basic position is that the transfer of public funds to autonomous institutions in the form of operating grants is acceptable only if the mechanism for such transfer provides an adequate and measurable basis for public accountability.

In this connection, I should like to recall the essence of the recent discussion between the Provincial Auditor and the standing committee on social development in September 1983. At issue is the question of accountability on the part of the universities and the extent of that accountability. It is the view of the Provincial Auditor that, although the existing system of financial accountability or financial reporting is adequate, there remains a need for the government to satisfy itself that the universities are being well managed.

As we all know, measuring economy, efficiency and effectiveness is in itself a challenge, especially with regard to social programs. Recognizing this, the government maintains the view that universities are autonomous and should remain autonomous in the governance of their affairs and in ensuring their responsibilities as institutions of higher education are discharged with integrity.

This view was expressed by the Committee on the Future Role of Universities in Ontario when it described university autonomy as embodying three elements: the freedom to determine who shall teach, what shall be taught and who shall be taught. Nevertheless, it must be recognized that government has the responsibility to ensure that its transfer payments are spent and managed well.

A further concern is the sometimes aggressive competition for students that an enrolment-related distribution mechanism might encourage. None the less, that distribution mechanism must be sufficiently flexible to permit adjustments from time to time in response to the ongoing evolution of the new university structure. The commission will give this aspect particular attention.

There are specific matters that the commission will be asked to consider in developing its operational plan:

Appropriate ways to encourage ongoing faculty renewal and replacement;

The appropriateness of program weights as one of the determining factors for funding distribution arrangements;

The possible separation of research funding from instructional funding to ensure a harmonious blending of provincial and national objectives in research carried out in the universities;

The distribution of provincial capital support and the role of private sector support in the maintenance and enhancement of the physical structures of the system; and

Appropriate tuition fee policies that reflect, on the one hand, the accessibility policies recommended, and on the other hand, equitable levels of student contribution with respect to the overall cost of the university system.

The fourth issue is the need to have mechanisms for regulation, co-ordination and provision of advice to government. These are required to ensure that the new university structure responds to societal needs in a co-ordinated manner, including the approval of new programs and the retirement of existing programs, at both the undergraduate and the graduate levels. In this area the commission will clarify the role of the Ontario Council on University Affairs in the context of a new and differentiated university structure. OCUA, of course, will be requested to comment upon all the plans created by the commission.

Earlier this year, OCUA advised the government to implement a new operating grant distribution formula commencing with 1984-85.



For reasons I indicated to the university system in May 1983, the government could not accept the council's recommendation. Although, as I said earlier, the need for the commission to examine the distribution mechanism remains, I am persuaded that a change in the distribution of operating grants for 1984-85 is warranted.

**3:30 p.m.**

For next year, each institution's grant will consist of two thirds of its grant calculated with the current formula and one third of its grant calculated under the new arrangement. This new distribution mechanism addresses in a substantive way the separation of base funding from incremental funding. Details of this will be announced shortly to the university community.

I am pleased to announce that Dr. Ronald L. Watts, principal and vice-chancellor of Queen's University, and Dr. J. Fraser Mustard, former vice-president of health sciences at McMaster University, former member of the Ontario Council on University Affairs and now president of the Canadian Institute of Advanced Research, have both agreed to serve as members of the commission. The third member will be announced shortly.

The commission's mandate is to develop a detailed plan for the reshaping of our university system as outlined in this statement. The commission will have access to all public briefs to OCUA, all the working papers of the Committee on the Future Role of the Universities and any other documentation required from government.

It should be stated clearly that the total resources to be made available to the new university structure will not differ substantially from those that would normally be allocated. The commission should proceed on the basis that annual increases to those resources will reflect the government's policy of fiscal restraint and prudent management of public funds. For the 1984-85 year the operating grants to universities will be increased by 6.5 per cent over the allocation for 1983-84.

I have a commitment from the Premier that there will be due consideration of additional funds to facilitate faculty renewal and adjustments arising from the commission's recommendations. The commission will report its plan of action to me in the summer of 1984. The government commits itself to the implementation of a renewed university system founded upon the decisions and directions determined by the commission.

The universities of this province have held a

strong and distinguished place in the life of Ontario. It is our commitment that they will continue to do so. The pursuit of excellence and the preservation of integrity must remain the foundation of our universities.

## ORAL QUESTIONS

**Mr. Peterson:** While the Treasurer (Mr. Grossman) is coming back to his desk, I will tell the Minister of Education (Miss Stephenson) that this new commission today, in addition to all her other commissions, is a mission of complete failure of government policies in the higher education area.

**Mr. Speaker:** Question, please.

**Mr. Bradley:** She has already had the Fisher commission.

**Mr. Peterson:** And a variety of others.

## YOUTH UNEMPLOYMENT

**Mr. Peterson:** Mr. Speaker, I have a question to the Treasurer. Members will be aware that it has been our party's view for some time that meaningful prebudget consultation was necessary. Indeed, it was desirable to have wide public input into the policy process. Members will also be aware that this document presented today is just fluff. There is no substance. It is a blue-bound shell.

The only matters of substance in this document, the only specific determinations, are the municipal transfers and the various transfers the Treasurer announced today, as well as the cutback on Ontario Hydro for some unspecified reason. Presumably he will share that information with us at some time.

My question to the Treasurer right now is this: Given his own admission of the very high levels of youth unemployment, given the fact that every forecaster in this country predicts that situation will last for some long time and in spite of his figures that he has created 100,000 youth jobs—and he did not add that this translates into only 35,000 year-long, full-time jobs; nor did he mention that all the while there were 200,000 unemployed young people—why would he not vigorously attack that problem of youth unemployment in his statement today?

**Hon. Mr. Grossman:** Mr. Speaker, as I have indicated earlier, our programs are still coming on stream. The youth unemployment problem was vigorously attacked by my predecessor, the member for Muskoka (Mr. F. S. Miller). Some of his very good programs are just coming on stream now. The young Ontario career pro-



gram, which we have talked about for many days here, will take up yet another large number of positions, 10,000 at the very least.

We are also looking at enrichments in some current programs, but we want to do those in conjunction with the federal government, which has indicated that the Canada assistance plan and the unemployment insurance moneys will be available to do that.

I am determined to use all the resources available and to do it in a co-ordinated way. As I said in my statement, I do not think we are performing a public service if we use for a period of weeks some of that money now in what is really nonproductive cheque-granting. I want to use our resources to do something meaningful for those young people other than just be able to rise in this House and say, "Oh yes, I have created a few thousand jobs for the next three months."

We have to do better than that. We have to get a larger number and we have to make real investments in those young people. To do that, we need the assistance of the federal money that is forthcoming, and we need to assess better our current programs. In the meantime, our young people will be looked after by the current programs, which are under way.

**Mr. Peterson:** The minister talked about waiting for the federal government. That is the chronic response from his government, his colleagues and himself. It is like waiting for Godot, and it justifies his inaction at all times.

Why is it that the minister's own governmental response is so inadequate and so unco-ordinated in this matter? Yesterday he told us in this House after questioning that he had altered the qualification age for the young Ontario career program from 20 years down to 15 years; it was only upon a phone call from our researcher to the director of Ontario career action program that he was even aware of the minister's change in the qualification.

How does the minister expect to launch a co-ordinated assault on the question of youth unemployment in Ontario when no one knows what is going on over there, including himself?

**Hon. Mr. Grossman:** Obviously, we had just reached the decision to make that change as recently as yesterday morning.

**Mr. Peterson:** Why would you not tell us that? We had to drag it out of you.

**Hon. Mr. Grossman:** The honourable member did not have to drag it out of me. I told him when he asked me. Had I followed the example

of the federal Liberal government, I would have delayed it so I could get maximum coverage for it. I would have done it at the expense of the young people and, for that matter I would have announced it six times, the same program with new initials on it.

**Ms. Coppins:** Like the paramedics program. You have announced that six times and it is still not on stream.

**Mr. Speaker:** Order.

**Hon. Mr. Grossman:** Rather than waiting, however, I took the first available opportunity to let the member know. That is the responsible thing to do. I am sorry I did not dress it up with big, fancy press releases and that we had not yet communicated that through the system. The decision was arrived at literally yesterday morning, and I thought the appropriate thing to do was to get it out into the public domain; that is where it counts.

**Mr. Rae:** Mr. Speaker, I am surprised the minister feels he needs lessons in how to package things in fancy press releases that do not have any meaning to them. I would not think the Treasurer needs to take any lessons from anybody in all of Canada in that field.

The Treasurer stated he is going to be announcing some improvements to existing programs and some new initiatives in the next few weeks. He knows how disappointed we are that he did not announce those this week.

One of the problems of which I am sure the Treasurer is aware is the fact that unemployment among young blacks and other visible minorities is especially high and especially worrisome. Can the Treasurer tell us whether he is going to introduce a program this winter directed particularly at the problem of unemployed black youth and the youth of other visible minorities? These young people are adversely affected in a proportionate way by the present economic circumstances. Is he going to have a program that is going to deal directly with that issue? It is a very real problem, particularly in Toronto.

**Hon. Mr. Grossman:** Mr. Speaker, that is a very good example of part of the concern we have with regard to mounting these programs quickly. I have spent a great deal of time this fall, as my staff will tell, in trying to get an analysis of the unemployed youth individually. I think it is a mistake for us to presume that we simply put out a large program costing many millions of dollars and creating many positions

and pretend that we are getting maximum effect for it.

**3:40 p.m.**

We must know who the young people are who have the particularly difficult problems. The ones who are least likely to apply for some programs because they are not used to interacting with government, government agencies and so on are often the very ones who need that program and who become our chronically unemployed.

I do not know and have not asked for a breakdown by background. I simply want to know who they are, where they are from and how to locate them so that we can get to them and design the programs with enough flexibility so we can access those young people. However, that question particularly outlines the core of this problem, which is not simply to pretend that, by having a major program, one has got to the core of the problem.

I feel one of the problems with many of these programs is that there are the same young people coming in and out of the program. One pretends one has created jobs when, to be fair, there have been people coming back into a program. One has also dealt with people who had a far better chance of getting employment outside some of these programs than one otherwise wanted to. Therefore, we want to focus those programs.

As much as I would like to be able to have those kinds of programs with us today, I must tell the member that we do not. We are not going to waste money in the meantime, simply to solve political pressure, to have an announcement to make with regard to job creation. We are going to save our money, husband it and use it properly to invest in those kinds of young people with particularly difficult problems.

**Mr. Peterson:** This is not political pressure; this is real human pressure. Surely the minister has to see it in those terms for a change.

The only reference he made to any statistical analysis about unemployment was that he said, "Unemployment rates are projected to remain high." Could he please tell us what those unemployment rates for the next year will be? What is he prepared to live with, both in the total area as well as in the youth area? What are his objectives as the Treasurer? What is he doing with this economic forecast? What are his targets? How many young people does he want to put back to work? These are the questions

and they should have been included in his economic forecast.

**Hon. Mr. Grossman:** Our target was included in our economic statement. It is full employment.

#### RESHAPING OF UNIVERSITY SYSTEM

**Mr. Wrye:** Mr. Speaker, my question is to the Minister of Colleges and Universities. After a delay of some two and a half years following the release of the final report of the Committee on the Future Role of Universities in Ontario, the minister appears today to have enunciated her own solution to the challenge that was set out by the Fisher committee.

In doing so, she appears to have rejected three historical tenets of our post-secondary university system: first, the full accessibility to all fully qualified students; second, the tenure system, which has protected academic freedom over the years; and third, the tenet that we would offer every university student a course of his own choosing at a university in his community, at least in the undergraduate system.

Given the discussions on rationalization which she proposed today, the minister obviously got no approval from the universities; she was not able to reach an agreement with them. Given that opposition, how can she propose this kind of an attack on the historical development of our university system in Ontario?

**Hon. Miss Stephenson:** Mr. Speaker, first, the honourable member is quite wrong, as usual. We have not rejected any of the principles, except that one of the principles he enunciates is incorrect. We have always said there would be a place within the university system for every young person who could benefit from that education. However, there has never been a promise that it would be in the course of his choice.

I challenge the member to find that because it is not, nor has it ever been, a tenet of any government that I know of to support a university system, nor of any university system anywhere in the world. We have not rejected any of the important tenets related to the university system.

We have asked a knowledgeable commission, made up of people who have very real concern about the university system, to examine all the matters—all the input that has been developed around the Commission on Post-Secondary Education in Ontario and around the CFRUO reports, preliminary and final, as well as all the input that has been developed for the annual hearings of the Ontario Council on University



Affairs—and following the kinds of broad-brush guidelines that have been presented, to establish a blueprint for the restructuring of the university system to preserve its integrity and its excellence.

**Mr. Wrye:** The minister talks about broad-brush guidelines. Let me ask her whether I can get a commitment on one aspect which may be a little more important than a guideline. In her statement, she said, "I also believe this plan for tomorrow can be accomplished without reducing the number of universities in Ontario, although fundamental changes may be necessary to some or all of the institutions."

Given that statement, may I ask her to give us a firm commitment in this place today on two matters: one, that no university in the system will close and that she will instruct the commission to prepare its work with that commitment as a guiding principle; two, a firm commitment that no young person will be limited in choosing a university by inaccessibility of a program in a community university near to the community where the student happens to be lucky enough to grow up?

**Hon. Miss Stephenson:** I think the honourable member is being obtuse in his first request because that is already a part of the guidelines, and unreasonable in his second because I doubt anyone could ever provide that kind of guarantee in any kind of civilization anywhere. We shall do our very best to ensure there are places. I am not trying to destroy anything. I am trying to ensure that there will be places for every young person who could benefit from a university education in a university in Ontario.

**Mr. Allen:** Mr. Speaker, the university system has been under a system of constraint for a decade and serious constraint for half a decade. That has had very serious consequences for the programming, the quality and the research in that system. That is now impacting seriously upon real accessibility. The college system is itself immensely overflowing and overfull.

How can the minister maintain that floating this kind of restructuring—which really is virtually a university of Ontario, which has been rejected in the past, in another guise—and argue that such system will maintain any of the objectives she ascribes to it in terms of excellence when it is simply constraint and restraint continued?

**Hon. Miss Stephenson:** Mr. Speaker, in the last three years the universities in this province have received increases in their operating grant allocations significantly beyond the rate of

inflation, significantly higher last year than in any other province in Canada, and I believe significantly higher this year as well than other provincial jurisdictions. I believe it is possible that money does not solve all the problems, but that indeed one needs to think what one is doing from time to time.

I reject totally the idea proposed by the honourable member that what I am proposing to do or proposing to ask the commission to do is to establish a university of Ontario. That is not the proposal. It states clearly in the paper, if he would read it, that this has been rejected in Ontario and continues to be rejected.

It is quite clear that we have asked the commission to look carefully at the university system and to provide us with the blueprint which it thinks is appropriate for the further development, expansion and improvement of the university system in Ontario.

**Mr. Wrye:** Given that the minister has given such definite guidelines, and given that she has offered the commission as a starting point so many historical papers and background papers, I wonder whether the commission's role is to do its own independent study and to develop its own new stream of information, or is this commission to be headed by Dr. Watts supposed to be just a rubber stamp for the direction the minister has tried to get the university presidents to accept and which in their wisdom they have rejected?

**Hon. Miss Stephenson:** First, Dr. Watts is not the chairman of the commission. Second, if the honourable gentleman knows either Dr. Watts or Dr. Mustard, he would have his tongue in both cheeks in ever suggesting those two eminent gentlemen would follow the direction of anyone except their own intelligence, which is superior, to say the least.

3:50 p.m.

## UNEMPLOYMENT

**Mr. Rae:** Mr. Speaker, my question is to the Treasurer. He may recall that in November 1980 the then Treasurer, now the Minister of Industry and Trade (Mr. F. S. Miller), brought in an economic stimulus package. At that time unemployment was much lower. It is now 37 per cent higher; youth unemployment is 31 per cent higher; for those 55 and over it is 75 per cent higher; the average length of unemployment is up from 14 weeks to 20 weeks, and those who are unemployed for over a year are up from 48,000 to 100,000.



If it was the right thing for the government to provide a stimulus for the economy in 1980, when the situation was serious but by no means as serious as it is today, how can the Treasurer justify going into the winter with absolutely no supplemental measures either on the tax side or on the spending side for jobs to help those people who are now left literally without any kind of hope, thanks to the absence of any concrete assistance in this statement today?

**Hon. Mr. Grossman:** Mr. Speaker, one can ask this question daily, but the fact is, as I indicated earlier, that the very same Treasurer not only had a very fine mini-budget in the fall of 1980 but also had a very good budget in the spring of 1983. Many of the tax changes in there, many of the measures with respect to capital acceleration programs and the youth employment programs, are coming on stream now.

That puts a different context on coming into the winter. That is why there is a significant difference between having decent long-term job creation programs and trying to respond to political circumstances as we come into this time frame. The reality is that the programs were mounted at a reasonable time to allow a workup, particularly in capital projects, which are now well under way and hiring people. The youth employment program is funded and hiring people.

One should not confuse the coming on stream of programs, the uptake of programs and the filling of jobs by our young people and all of our people with the political announcements with regard to when those are coming on stream. Those seeds were planted last May and they are producing jobs now, so we are addressing those problems right now.

**Mr. Rae:** The minister wants to talk about things that are going on stream; I will tell him some things that are going off stream, like the Canada-Ontario employment development program, which the minister participates in with the government of Canada. In December 1983, 1,633 projects are scheduled to be completed and over 12,000 jobs will come to an end.

**Mr. Speaker:** Question, please.

**Mr. Rae:** Next month 143 are coming on stream; that is compared to 1,633 that are being cancelled or are ending. So let us talk about the reality here. For all those things the minister vaguely talks about coming on stream, there are some specifics for some things that are in fact going off stream.

What is the minister going to do this winter

for those younger people and those older people who have been left aside by his government and by the Liberal government in Ottawa? How can he justify doing nothing, which is what he has done in this statement, about employment prospects for those people this winter?

[Interruption]

**Mr. Speaker:** Order, please. I have to caution our guests in the gallery not to demonstrate or take part in any kind of disruption or I will have to clear the galleries.

**Mr. Roy:** He has already started doing that. He is already taking them out.

**Mr. Speaker:** I see that.

**Hon. Mr. Grossman:** The COED program, we feel, was a successful program. We just added some additional funding—through the Board of Industrial Leadership and Development, I might add; a program the member opposite likes to criticize all the time—to top up some of those activities under section 38. I would make it clear that we have agreed with the federal government that we will use the same type of format—that is, unemployment insurance and Canada assistance plan moneys—in order to continue the flow of new jobs into the economy.

The member does not want to acknowledge that there are jobs coming on. I will acknowledge to the member that the COED program is winding down; it is because of this that we encouraged the federal government to maintain the COED program at all times and indicated our willingness to continue our share of the funding in that regard. They have declined. To be fair, they have agreed to undertake these new programs with UI and CAP. Negotiations are now going on in that regard.

We are assessing our youth employment programs and all of our job creation programs to see what might be appropriate over the next few months. I indicated in my statement that there will be some things in the next few weeks. I also indicated in my statement that I am not going to produce programs that simply give someone a paycheque for a few weeks and pretend we have solved that problem.

I am being quite clear. I am going to use those resources to create important, decently paid, creative, experience-providing, training-providing jobs. With all due respect, that takes a lot more forethought than standing up and saying: "Why do you not just put them all on the public payroll? Why do you not just use the money and get some people out there?"

**Mr. Foulds:** He did not say that. What kind of nonsense is that?

**Mr. Rae:** You have not read anything we said over the past two weeks.

**Mr. Speaker:** Order.

**Hon. Mr. Grossman:** I read the member's silliness in the his press release.

I am prepared to stand here as long as necessary to defend the proper investment of funds and not jump into throwing away dollars which will not come back in terms of good, long-term investments. When we make those investments they are going to be right. If that takes some time, so be it, but in the meantime, while we are waiting to develop those programs and working hard on them, we will make sure of the continuation of our old projects. We will make sure the Ontario career action program and others are properly funded so that no one can accuse us, although the members will want to, of neglecting the program.

I am not going to throw millions of dollars away just to be able to say I have created some more jobs this winter. I will not do it.

**Mr. T. P. Reid:** Mr. Speaker, the less the Treasurer does, the longer his answer is.

Does the Treasurer understand that many of the 155,000 unemployed young people out there have never had much of a job, if any job at all? They are not eligible for unemployment insurance, they have no other way of supporting themselves and they do not have any work experience that will allow them to get long-term jobs. They need help and jobs now for 12 weeks, 20 weeks or longer.

Surely it is his responsibility not to talk long-term or short-term for these people who are in need. He can take our program, he can take the credit for it, but let him do something for the 155,000 young people who need something now.

**Hon. Mr. Grossman:** Mr. Speaker, let us talk about the 155,000 people. Let us remember exactly what the member said and what his leader said a moment ago: "Sure, we can talk about creating 100,000 jobs for our young people but that only translates into 35,000 or whatever."

**Mr. T. P. Reid:** That is better than none.

**Mr. Speaker:** Order.

**Hon. Mr. Grossman:** The fact is that 100,000 young people got experience because of this government this year. There are 155,000 unemployed youth in total right now. The member

can be sure he will not find a government that can say of 155,000 young people today that it provided employment and experience for 100,000. There is no question about that fact. That is exactly what we have been doing.

**Mr. Rae:** Would the minister care to explain how, if he was able to announce transfer payments to institutions, he was not able to announce today any increase in transfer payments to senior citizens who are retired? Of particular concern are those senior citizens and those single senior citizens who are living alone, who are in receipt of the guaranteed income supplement, guaranteed annual income system benefits and old age security and for whom that is their only income.

Every major study that has been done by this Legislature and by every group that is advising the government has said that they are willing to let it go. The parliamentary assistant to the Premier, the member for Scarborough East (Mrs. Birch), stated a year ago that she approved of the \$100-million increase that would allow a single person to receive a fairer share in comparison to what a married couple gets.

**Mr. Speaker:** Question, please.

**Mr. Rae:** If the minister is able to announce transfer payments to institutions, why is he not able to announce transfer payments to single elderly people who are living in poverty in Ontario?

**Hon. Mr. Grossman:** We will undertake our reviews, we are undertaking our reviews and we will make our announcements at the appropriate time. The issues the member raised are ones—

Interjections.

**Mr. Speaker:** Order.

**Hon. Mr. Grossman:** —which were raised many months ago on this side of the House by my colleague the former Provincial Secretary for Social Development (Mrs. Birch) and by the Deputy Premier (Mr. Welch), to name just two.

**Mr. McClellan:** So where is the money?

**Mr. Foulds:** Where are your answers?

**Mr. Speaker:** Order.

**Hon. Mr. Grossman:** The cameras are gone. The members can stop interjecting now.

I have said publicly I agree that the kind of recipient the member is talking about, the single elderly person, is our first priority and we have to address that problem.

4 p.m.

We have also said that we have to wait to see what federal enrichment is coming and the federal government has announced that enrichment. When that enrichment is forthcoming, we will see how much it is and we will make the appropriate adjustments. That is the responsible way to do it.

In the meantime, I admit, the members have the luxury of posturing as if only they care about the seniors. But we have the responsibility of making those decisions at the appropriate and responsible time and we will make them. The seniors in this province are better looked after than the seniors anywhere in this country or in North America, and the member knows it.

**Mr. Rae:** The government has reviewed and studied the matter to death and I am going to be talking about its record for a long time to come in my constituency.

**Mr. Speaker:** Question, please.

**Mr. Rae:** Senior citizens are not quite as impressed as the minister might choose to be by the kinds of services he is offering. He should be ashamed of the kind of thing he is not doing for senior citizens. Talk about the conditions some people are living in, thanks to his inactivity.

#### EXTRA BILLING

**Mr. Rae:** Mr Speaker, my second question to the Treasurer has to do with the announcement made yesterday by Mr. Jake Epp, the federal Conservative Party health critic, with respect to the support from the Conservative Party for the proposals made in the Canada Health Act.

Given the fact that Mr. Mulroney's party in Ottawa has now come out against extra billing and given the fact that both the opposition political parties in this province have come out against extra billing, why is the Treasurer still going around this province threatening to increase either health care premiums or some other form of personal taxes by as much as \$60 million to \$100 million just to preserve the privileges of a very few doctors who insist on their right to charge the patients of this province more than has been negotiated with their government?

**Hon. Mr. Grossman:** Mr. Speaker, the member can repeat that proposition many times, but if he will watch what we have said, we have not said that is what we are going to do. We have said we are looking at the situation and need some information, some hard facts, some consultation before any decision is made. If the member read—

**Mr. Rae:** What a change of tune. What happened now? What conversion did the minister go through in the past week?

**Mr. Speaker:** Order. Supplementary—

**Hon. Mr. Grossman:** With respect, the leader of the third party has been making speeches. I have not answered the question yet and I am—

**Mr. Speaker:** That is quite right, but I am not sure they want an answer and I would like to hear the supplementary, please.

**Hon. Mr. Grossman:** You may be right on that one.

**Mr. Speaker:** Supplementary, please.

**Mr. Rae:** The minister is talking an entirely different language this week from the language he has been talking across Canada and certainly in Ontario in the last year with respect to extra billing. I do not know what has happened to him. He seems to be an individual transformed—

**Mr. Speaker:** Question, please.

**Mr. Rae:** Perhaps it was a transformation as a result of a phone call from his federal leader, Mr. Mulroney, whom all these other people seem to be wanting to join in the next federal election—

**Mr. Speaker:** Question.

**Mr. Rae:** My question to the minister is quite clear. He has a copy of the Canada Health Act. He knows what it says. Is he going to be increasing taxes or premiums in this province as a result or is he not?

**Hon. Mr. Grossman:** I have made it clear that we have to find out what is contained in the federal government's intentions. That includes the specific and important distinction between the position taken by the Leader of the Opposition in Ottawa and the government in Ottawa.

Let us look at the differences. One, the Leader of the Opposition in Ottawa believes in and practises consultation with the provinces.

**Mr. Rae:** So the Tory health act will be different from the Liberal health act.

**Mr. Speaker:** Order.

**Hon. Mr. Grossman:** Two, the Leader of the Opposition in Ottawa has made it quite clear that he understands the fundamental problem with the health care system is funding.

**Mr. Rae:** I love this. This is rich.

**Hon. Mr. Grossman:** Lest the leader of the third party wants to rehear his own words in addressing the funding of the health care system, I have—



**Mr. Rae:** I have addressed that question many times.

**Hon. Mr. Grossman:** Yes, I have a full body of deathless quotes by the honourable member.

**Mr. Speaker:** I think the minister has answered the question fully.

**Hon. Mr. Grossman:** Mr. Speaker, with respect, I have not provided an explanation.

**Mr. Speaker:** I think you did very well.

**Hon. Mr. Grossman:** That is okay with me.

**Ms. Copps:** Mr. Speaker, if the minister is serious about the discussion he intends to have prior to taking his new position, I wonder if he could explain to this House why in an interview on *The Journal* recently, when discussing the issue of extra billing, he cited a percentage of extra billing in this province which was in direct contradiction to what was said by his own Minister of Health (Mr. Norton) during estimates in the Legislature that day.

I wonder if the minister either does not know the extent of the problem of extra billing or is prepared to distort the facts on national television because the facts, as he presented them, were decidedly different from the facts presented in this Legislature by his colleague this week.

**Hon. Mr. Grossman:** (a) The honourable member is incorrect; (b) that is not a supplementary question; (c) that is not a question which relates to my ministry; but (d) I will repeat (a), she is totally incorrect.

**Mr. Cooke:** Mr. Speaker, I would like to ask the Treasurer, in view of the many cases that have been brought forward to this Legislature of people on ordinary middle and low incomes, fixed incomes, who are being hurt by extra billing—in fact, Dr. Moran of the Ontario Medical Association says they are getting 300 calls per month from people who are desperately looking for opted-in rates because they cannot afford extra billing—is this government going to outlaw extra billing in the province or not?

**Hon. Mr. Grossman:** As we have said each and every time the issue has been discussed since the Canada Health Act was introduced, we are waiting to understand more fully what lies behind that act in the regulations to get more information and to make appropriate decisions at that time. We have made that clear from the start.

## TOURISTS FROM UNITED STATES

**Mr. Eakins:** Mr. Speaker, my question is to the Minister of Tourism and Recreation. The minister is well aware that, after Ontario residents themselves, Ontario's largest tourism market is the United States both in terms of visitors and revenues it brings into the province.

According to Statistics Canada, Ontario is heading for a record tourism deficit this year because of declining numbers of US visitors. I might add, according to the new Ontario travel survey the minister just released yesterday, Ontario's percentage of US tourists visiting Canada has declined. In other words, when American tourists visit Canada now, fewer are choosing Ontario as their destination.

I would like to know what specific measures the minister intends to take to recapture this market and its attendant revenue, especially in view of the fact that next year is a presidential election year in the United States, which has always tended to keep Americans at home, and the Olympics will be in Los Angeles and the world's fair in New Orleans.

**Hon. Mr. Baetz:** Mr. Speaker, to expand our tourism market from the United States, we will continue next year to do many of the things we are doing at the present time, but we will probably be doing something more about it. For example, we are certainly going to be stepping up our advertising program in the United States. We are going to be talking much more to the Americans about the fact that they can have a tax rebate on goods purchased in this country. We will make that fact better known to them than maybe it is at the present time.

We are certainly going to be talking a great deal about the bicentennial celebrations that will be taking place here. A lot of the Americans, especially those in neighbouring states, are very much interested in this. No doubt we are going to be talking a great deal about the papal visit, which certainly is going to inspire many Americans to come over here, and we will also be talking about the royal visit here. As I announced yesterday, we are going to be encouraging our private operators here, the people who run the resorts and lodges and so forth, the restaurants and hotels, through better loan guarantees and interest subsidies, a program I announced yesterday.

Frankly, I am very confident our portion of the American tourism dollar is going to increase very substantially next year.

4:10 p.m.

**Mr. Eakins:** Is the minister aware of the campaign originating in the state of Michigan with car bumper stickers saying: "Say no to Ontario. Say yes to Michigan." It refers to the increase in the cost of nonresident fishing licences by the Minister of Natural Resources (Mr. Pope). Not that we are against it, but in view of the state of tourism, does the minister not see this increase as poorly timed? Does he not see there is little point in spending all the money he does to promote the province if the effect is just going to be cancelled by another minister's poorly timed decision?

**Hon. Mr. Baetz:** As the member has indicated, the decision to increase the nonresident fishing fees is the responsibility of the Minister of Natural Resources, but I do want to assure him and everybody else over there and on this side that that minister certainly did consult very closely with us.

I frankly think this campaign on the bumper stickers, "Say no to Ontario," is a very isolated kind of campaign; it does not really amount to a great deal. I can also assure the member that even at this time both the Minister of Natural Resources and I are increasing our talks with our American neighbours to assure them not only that they are welcome here, but that the fishing licence fees are going to be equitable.

**Mr. Stokes:** Mr. Speaker, I would like to ask the minister if he got the distinct impression that the member for Victoria-Haliburton was against Ontario getting fair economic rent for its resources.

Interjections.

**Mr. McClellan:** On the one hand and on the other.

**Hon. Mr. Baetz:** On the one hand and on the other, yes.

In view of the fact that Canadians as residents of Ontario are paying through their taxes to help keep our sports fishing a very live occupation, I do not think we should be giving any visitor from outside the province a free ride for that. So there is some equity in charging some nonresident licence fees. I appreciate the question being raised.

#### PLANT SHUTDOWNS

**Mr. Mackenzie:** Mr. Speaker, I would like to ask a question of the Minister of Labour in the absence of the Premier (Mr. Davis). This morning 93 more Hamilton workers got their Christmas present, a number of them friends of mine. The Bridge and Tank Canada division of York

Russel Inc. announced—and I might say that over half the work force has more than 15 years' seniority in that plant—that its doors will be closed for good on February 17.

As of last night the Ministry of Labour had no knowledge of this closure. This firm, in business for better than 120 years in Hamilton with versatility and a skilled work force, is one of some 19 companies that have been purchased by York Russel Inc., owned by the Tanenbaums in the last 10 years, many of which are now being disposed of through the corporate rationalization process.

**Mr. Speaker:** Question, please.

**Mr. Mackenzie:** Would the minister not agree that we desperately need tough plant closure legislation in Ontario to allow the light of publicity for the workers and their communities on what is actually going on in plant closures in Ontario?

**Hon. Mr. Ramsay:** Mr. Speaker, when the honourable member states that the ministry had no knowledge of this, I believe he is referring to the fact that when he approached me yesterday afternoon I had no knowledge of it. It is not correct to say our ministry had no knowledge of this particular closure.

**Mr. Mackenzie:** Do they not talk to you?

**Hon. Mr. Ramsay:** I happen to have worked in the very industry he is referring to a number of years ago. I am well aware of Bridge and Tank Canada; I am well aware of the expertise of the employees there, and I can certainly relate to the circumstances surrounding this closing as well as the closing of many other industries and plants across this province.

The member and I have had many discussions. In fact, I do not think he loses an opportunity each day—and I commend him for it; I am not being critical of it in any respect—to send me a note across the aisle and remind me of the fact that, in his opinion, we need disclosure of information in this province.

I only have to say, with the greatest of respect, I feel it would be a deterrent. I do feel, however, we have to do everything we can to consult, negotiate, attempt to rationalize these decisions and so on, but I just do not feel it would be productive. I do not feel it would save any jobs, and that is the key to the whole matter, to have legislation in effect that would require disclosure.

**Mr. Mackenzie:** I find it strange after the nonsense we got this morning about the recovery that we have tens of thousands of employees out there out of work, and the number being



added to almost every week. What is the deterrent? Can the minister tell us why it would not help to have some dialogue in public as to the reasons for it? What is going on? Are firms being milked? What is happening?

Surely to goodness, it is time to re-establish the plant shutdowns committee with specific instructions to take a look at legislation which exists and which is superior in many European countries in terms of protection of workers. Surely the minister should be prepared to re-establish a committee, the plant shutdowns committee or some mechanism, to take a look at what is happening to industrial workers in Ontario.

**Hon. Mr. Ramsay:** I do not have to be lectured by the honourable member from across the aisle.

**Mr. Laughren:** It seems you do.

**Hon. Mr. Ramsay:** Let me tell that smart fellow something.

**Mr. Speaker:** Never mind the interjections, please.

**Mr. McClellan:** Go ahead, have a temper tantrum.

**Mr. Rae:** Blow a fuse. That will help a lot.

**Hon. Mr. Ramsay:** I am not going to blow a fuse. I am simply going to tell the honourable member opposite who made that snide, sarcastic, uninformed remark that I have a son who is an industrial worker. He has two small children and is involved in a plant closure. So do not give me any of that stuff.

**Mr. Laughren:** That is all the more reason to start doing something.

**Mr. Rae:** That is the most pathetic thing I have ever heard.

**Mr. Mackenzie:** Tell us what it proves.

**Mr. Speaker:** Order. Surely I do not have to point out to all honourable members that the standing orders say clearly that all interjections are out of order and are not to be entertained.

**Ms. Copps:** Mr. Speaker, my supplementary question relates to the fact the minister has discussed in this House in the past and is at present investigating the issue of first right of refusal. Since he is familiar with this situation, he will know that after the workers are laid off on February 17 the parent company, York Russel, does have other plants, at least one of which is also involved in fabricating products.

I wonder if the minister could advise us whether he will be bringing in first right of refusal legislation prior to that date so that at

least those workers will be covered by the legislation which did not cover the workers at Consolidated-Bathurst.

**Hon. Mr. Ramsay:** Mr. Speaker, we have put out a discussion paper on preferential hiring. Many submissions have come in on it from management and labour and we are looking at it carefully. One effect that discussion paper has had is we have not had a circumstance since we put it out where anybody has refused to give preferential hiring. In a sense, the discussion paper has been effective, although we have not brought forward any legislation.

I want to digress for a moment simply to say, perhaps in less emotional terms, that if I truly believed disclosure information would save a single job in this province, I would be pleased to bring it forward to this Legislature.

4:20 p.m.

#### ONTARIO DEVELOPMENT CORP. LOANS

**Mr. Van Horne:** Mr. Speaker, I will direct this question to the Treasurer in the absence of the Minister of Industry and Trade (Mr. F. S. Miller).

This question really is a follow-up to the question my leader asked a week ago on Tuesday about the lending policies of the Ontario Development Corporations as agents of regional development. As a follow-up question, I would like to ask the minister how, after examining the figures for loan and guarantee commitments over the last eight years or so, he can expect anyone to reach a conclusion other than that there has been an extraordinary decline in support for economic development in northern Ontario through the Northern Ontario Development Corp.

**Hon. Mr. Grossman:** Mr. Speaker, this cannot be sustained by the facts. I happen to be somewhat familiar with NODC, although the member would have to ask the Minister of Industry and Trade for specific details. In my role as chairman of the Board of Industrial Leadership and Development, I can tell him that a great number of dollars have flowed to northern Ontario.

Many of those dollars have flowed through the pulp and paper agreement, for example. If we had not done that, there would have been a requirement to flow very many more thousands of dollars, millions of dollars, in social support programs. Let us look at all the industrial support being provided. The pulp and paper



program cost us about \$130 million—a lot of money. It levered a \$1.5-billion investment, most of that in northern Ontario.

If one looks at the NODC program over the full course of NODC, which is now 11 years old, I guess, with preferential rates for people in the north, one will find that northern Ontario on a population breakdown has done very well indeed. When one adds to that the BILD program, which has done a great deal for the north, one finds an array of industrial programs, an amount of money flowing to northern Ontario that is, to be fair, unparalleled.

**Mr. Van Horne:** The information I have may interest the minister. Since 1974-75 the commitments made by NODC have decreased from almost \$24 million to less than \$11 million. Over the same period ODC commitments in southern Ontario rose from \$40 million to \$57 million. That information was also passed on by my leader last week. That is a 55 per cent decline in the north and a 40.7 per cent increase in southern Ontario.

If we accept the argument by the minister or his successor that the 1974-75 commitments were abnormally high, using 1975-76 as a comparison provides equally startling results. In real dollars northern Ontario suffered a 24.3 per cent decline in commitments while southern Ontario received a 207.5 per cent increase. By any measure, the north has been getting the short end of the stick.

Is this obvious decline a reflection of a policy the minister approves, and does he intend to let this disheartening trend continue?

**Hon. Mr. Grossman:** At present, not by accident, there is something like \$5 billion worth of capital projects going on in northern Ontario. This is not an accident; it has very much to do with the policies of this government, including NODC. I remind the member that many of the capital acceleration programs of this government are occurring in northern Ontario. It is fair to point out that those rates are reflective of a lot of things, including private sector growth in some of those areas.

They also reflect things such as the Ontario Centre for Resource Machinery in Sudbury. Let us talk about that centre for a second. Funded by BILD with several million dollars, it is in turn using that money to reinvest in high technology and growth businesses throughout the north. There are at least half a dozen projects under way in the north, one of which is providing manufacturing jobs in the great community of Sault Ste. Marie. Unless the member totals in

the very important investments being made just by that one new vehicle, the Ontario Centre for Resource Machinery, then a very fair picture is really not being given. The centre is investing all its funds in northern Ontario.

If the member wants a fair analysis of the amounts of development dollars being added to the north, he will have to take the pulp and paper programs, the employment development fund programs, the BILD programs, the Ontario Centre for Resource Machinery, the capital acceleration programs of this government, the youth employment programs, the Canada-Ontario employment development programs, many of which were handled by my colleague the Minister of Natural Resources (Mr. Pope) to make sure they ended up in the north, and NODC, to get the full package.

#### FRENCH-LANGUAGE EDUCATION

**Mr. Wildman:** Mr. Speaker, I have a question for the Minister of Education regarding a very ominous prospect for education for francophone students from Dubreuilville and Wawa in my riding.

Is the minister aware that the Michipicoten Board of Education this week passed a resolution stating that as of June 1984, that board will no longer accept nonresident students from Dubreuilville at the Michipicoten high school? If she is aware of that, what intervention is the ministry prepared to make to ensure secondary school education for the students of the community of Dubreuilville?

**Hon. Miss Stephenson:** Mr. Speaker, I have not received that resolution from the Michipicoten board. It certainly would be an unfortunate situation if the boards of the province determined that they were not about to accept nonresident students from various other boards as students within their systems. I will certainly look at this resolution and try to see whether there is a way in which we can sort out the problem.

**Mr. Wildman:** I appreciate the minister's response. When she is investigating it, I hope she and her officials will attempt to determine whether this is an overt attempt by the Michipicoten Board of Education to avoid the new policy announced by the minister with regard to francophone education in Ontario and with regard to the provision of francophone trustees for a board of education whose student body is more than 10 per cent francophone.

**Hon. Miss Stephenson:** If it is, it is a some-

what circuitous and premature activity, because later this afternoon I shall be introducing the amendments to the Education Act. These amendments will ensure that wherever there is an anglophone child in the province, the board must provide an anglophone education; where there is a francophone child, the board must provide a francophone education.

There is no final decision as yet about the mechanism for assured representation for governments. That is being discussed by a group of trustees, all of whom have come together voluntarily—I think there are 10 altogether—and representatives of government. Those discussions will be going on in January and February to finalize the structure that will be put in place to ensure there is a greater degree of French-language governance of French-language education.

**Mr. Roy:** Mr. Speaker, in view of the minister's statement about the introduction of this legislation this afternoon—which is an initiative we wholeheartedly support—I just wonder about her suggestions about the representation of French-language trustees, which have been rejected by all school boards that may be involved with that proposal.

Given the rejection by all the boards and the consistent demand by such boards as Ottawa and Carleton that instead of this complicated structure of representation, the minister should set up a French-language school board, why does she not accept that and make that decision, which is the only logical solution for areas such as Ottawa and Carleton?

**Hon. Miss Stephenson:** Mr. Speaker, I must admit that I admire the so-called logic of the member for Ottawa East (Mr. Roy). None the less, I must remind him that the 20 boards which were involved or which would be directly affected by the proposal did indeed bring forward six alternative proposals to be discussed within this bipartite group, which is now being established. There are other boards besides Ottawa and Carleton in Ontario; in fact, there are many boards besides Ottawa and Carleton in Ontario.

I certainly do hope that with the help of these thoughtful people who have agreed it is important that the language of instruction in the official languages of Canada be available to the students of Ontario—and who feel strongly that this right should be a part of the Education Act—we will come to the appropriate conclusion about the right kind of governance of French-language education.

4:30 p.m.

## MERCURY POLLUTION

**Mr. J. A. Reed:** Mr. Speaker, in the absence of the Premier (Mr. Davis) and the Provincial Secretary for Resources Development (Mr. Sterling) and because of the urgent nature of this question, I am going to ask it of the Minister of Natural Resources, if he would be kind enough to bear with me, because I believe he is a party to what is unfolding at this time.

My question concerns the responsibility of the province in the matter of the mercury pollution damage inflicted on the Grassy Narrows Indian band and the fact that the companies responsible—that is, Reed Paper initially and Great Lakes Forest Products, who assumed responsibility and were parties to the mediation process which the Premier established in 1978—have yet to make an offer for damages to the band.

Is the minister aware of the letter that was sent yesterday by Great Lakes to the Ontario Indian commissioner stating that they are now refusing to make any offer to the band, even though they had made a commitment to do so, on the basis that they are actively pursuing the matter of health claims with the Premier? Is this the case? Can the minister confirm to us that the holdup to a settlement has been the question of lowering the \$15-million provincial cap for liabilities? Can the minister assure us that this cap will not be lowered?

**Hon. Mr. Pope:** Mr. Speaker, to say the matter is in the hands of the Premier is not accurate. I do not think the Premier has control over the process or the timing of any settlement. The Premier tried to get the parties together, tried to expedite a settlement on behalf of the band and negotiations between Reed and Great Lakes, and tried to use his good offices to do so in a positive manner.

It has still to be determined what the respective contributions or liabilities between Reed and Great Lakes are vis-à-vis each other—not vis-à-vis the band, but vis-à-vis each other. I am aware of meetings that have been held in England and in Ontario between those two companies in an attempt to sort it out. However, I do not believe any conclusion or settlement has been reached between the two companies at this time, and I do not think the fault for any such problem lies with this government or with the Premier.

## VISITOR

**Mr. Speaker:** Just before proceeding, I would



like to point out to all honourable members and ask them to join with me in recognizing an old friend of ours—

**Mr. Breaugh:** What do you mean “an old friend”?

**Mr. Stokes:** She is not an old friend; she is a good friend.

**Mr. Speaker:** A friend of long standing, perhaps; right. She happened to be first female clerk in the Ontario Legislature, Frances Nokes.

## REPORTS

### STANDING COMMITTEE ON PROCEDURAL AFFAIRS

Mr. Treleaven from the standing committee on procedural affairs presented the committee's report and moved its adoption.

**Mr. Treleaven:** Mr. Speaker, as chairman of the standing committee on procedural affairs, I have the honour to present to the House the committee's seventh review of agencies, boards and commissions.

Last September, the committee reviewed the Ontario Status of Women Council, the Ontario Manpower Commission, the Ontario Cancer Treatment and Research Foundation, the Law Society of Upper Canada and the Criminal Injuries Compensation Board.

After careful deliberation, the committee has produced a consensus report with recommendations it feels will improve the operation of the agencies reviewed by the committee.

The committee looks forward to a debate in the next session on the recommendations in the report and the responses of the ministers responsible for these agencies.

On motion by Mr. Treleaven, the debate was adjourned.

### STANDING COMMITTEE ON REGULATIONS AND OTHER STATUTORY INSTRUMENTS

Mr. Kerr from the standing committee on regulations and other statutory instruments presented the following report and moved its adoption:

Your committee begs to report the following bills without amendment:

Bill Pr30, An Act to revive the Malton Memorial Recreation Association;

Bill Pr52, An Act to revive Teco Mines and Oils Limited;

Bill Pr53, An Act respecting the City of Owen Sound.

Your committee begs to report the following bill with a certain amendment:

Bill Pr51, An Act respecting the City of North York.

Motion agreed to.

Mr. Kerr from the standing committee on regulations and other statutory instruments presented the committee's third report and moved its adoption.

**Mr. Speaker:** Does the member wish to make a statement?

**Mr. Kerr:** Mr. Speaker, I have no comments except to suggest that all members read the report thoroughly over the Christmas recess.

On motion by Mr. Kerr, the debate was adjourned.

### STANDING COMMITTEE ON GENERAL GOVERNMENT

Mr. McLean from the standing committee on general government reported the following resolutions:

That supply in the following amounts and to defray the expenses of the Ministry of Industry and Trade be granted to Her Majesty for the fiscal year ending March 31, 1984:

Ministry administration program, \$8,380,500; industry program, \$18,928,000; trade program, \$14,836,000; Ontario Development Corporations program, \$32,284,000; technology centres co-ordination program, \$649,000; and

That supply in the following supplementary amount and to defray the expenses of the Ministry of Industry and Trade be granted to Her Majesty for the fiscal year ending March 31, 1984:

Trade program, \$1,376,000.

## INTRODUCTION OF BILLS

### EDUCATION AMENDMENT ACT

Hon. Miss Stephenson moved, seconded by Hon. Mr. Welch, first reading of Bill 157, An Act to amend the Education Act.

Motion agreed to.

**Hon. Miss Stephenson:** Mr. Speaker, this bill contains a number of amendments covering a variety of matters in the Education Act, some of a purely housekeeping nature and some involving relatively limited but necessary changes to the act.

I remind members that on March 23, 1983, the government issued a paper proposing a number of changes to part XI of the Education Act, which deals with French-language instruc-



tion. One of the proposals contained in that paper was that French-speaking pupils should have the right to receive their education in French, regardless of numbers, with board, lodging and transportation provided to make that possible where necessary.

Another of the proposals was that where a dispute cannot be resolved by the Languages of Instruction Commission of Ontario, there should be provision for the commission to make a recommendation to the minister and for the minister to make an order binding on the board concerned.

The provisions of this bill implement these two proposals.

4:40 p.m.

### FOREST RESOURCE MANAGEMENT ACT

Mr. Foulds moved, seconded by Mr. Philip, first reading of Bill 158, An Act to ensure the Regeneration and Reforestation of Forests in Ontario.

Motion agreed to.

**Mr. Foulds:** Mr. Speaker, this bill, first proposed in June 1980, would make it a legal and legislative requirement by the government (1) to manage the forests on a sustained yield basis; (2) to do a complete inventory of the forests; (3) to make public a forest management plan for the entire province every five years; (4) to describe the extent of forest land in Ontario that has been denuded and not restocked; and (5) to outline a five-year plan for restocking and improving forest lands in Ontario and the cost of this program.

### INSECT EMBLEMS ACT

Mr. Foulds moved, seconded by Mr. Philip, first reading of Bill 159, the Insect Emblems Act, 1983.

Motion agreed to.

**Mr. Foulds:** Mr. Speaker, this act would make the blackfly the official provincial insect for northern Ontario and the mosquito the official provincial insect for southern Ontario. There was tough competition in both categories from the termite, the grasshopper, the spruce budworm and the common house fly. However, detailed provincial-wide polling has shown clearly that the blackfly and the mosquito are popular choices by more Ontarians than any other insect in the designated parts of the province.

This bill should go down in history alongside the legislation of the Minister of Natural Resources

(Mr. Pope) to make the white pine the official tree of Ontario and the attempt of the member for Hastings-Peterborough (Mr. Pollock) to make the blue jay Ontario's official bird.

I hope this bill will be passed during the course of Ontario's bicentennial to show the strength and determination of Ontario's people, who have triumphed over many past and present adversities.

**Mr. Speaker:** Are you recommending that this be given serious consideration by the House?

**Mr. Cureatz:** Mr. Speaker, on a point of order: I would like to point out to the honourable member that he forgot the member for Northumberland (Mr. Sheppard), who is trying to make the pickerel the official fish.

[Later]

**Mr. Foulds:** Mr. Speaker, on a point of order: In my announcement about the official insect act, I forgot to give credit to Nicholas Blenkinsop, one of our pages, for the idea.

### ORDERS OF THE DAY

#### THIRD READINGS

The following bills were given third reading on motion:

Bill 117, An Act to amend the Telephone Act.

Bill 119, An Act to amend certain Acts respecting Regional Municipalities.

Bill 120, An Act to repeal certain Private Acts related to Municipalities.

Bill 132, An Act to amend the Powers of Attorney Act.

Bill 133, An Act to amend the Mental Health Act.

Bill 134, An Act to amend the Immunization of School Pupils Act, 1982.

Bill 135, An Act to amend the Construction Lien Act.

Bill 136, An Act respecting the Benefits of Provincial Judges and Masters.

Bill 139, An Act to amend the Public Commercial Vehicles Act.

Bill 144, An Act to amend the Retail Sales Tax Act.

Bill 145, An Act to amend the Planning Act, 1983.

Bill 147, An Act to amend the Building Code Act.

### TEACHERS' SUPERANNUATION ACT

Hon. Mr. Wells moved, on behalf of Hon.

Miss Stephenson, third reading of Bill 148, An Act to revise the Teachers' Superannuation Act.

**Mr. Breagh:** Mr. Speaker, I would invoke standing order 22 and declare a conflict of interest on the bill.

**Mr. Speaker:** Having done that, does everyone agree to the passage of the bill?

Motion agreed to.

### THIRD READINGS

(continued)

Bill 140, An Act to amend Certain Statutes Relating to the Commission of Offences by Young Persons.

Bill 149, An Act to amend the Provincial Courts Act.

Bill 150, An Act to amend the Unified Family Court Act.

Bill 151, An Act to amend the Provincial Offences Act.

Bill 152, An Act to amend the Proceedings Against the Crown Act.

4:50 p.m.

### BARRIE-VESPA ANNEXATION ACT

(continued)

Resuming the adjourned debate on the motion for second reading of Bill 142, An Act respecting the City of Barrie and the Township of Vespra.

**Mr. Epp:** Mr. Speaker, I am pleased to be able to continue the discussion on second reading of this bill.

I want to draw the attention of the members to the fact that the annexation the government is requesting of more than 4,500 acres represents a considerable amount of agricultural land which will be urbanized as a result of the annexation to Barrie.

Those of us who have lived in agricultural areas and those of us who have lived only in urban areas appreciate the agricultural land that we have in Ontario. The city of Barrie has just obtained over 8,000 acres—I understand it is close to 10,000 acres—of land from Innisfil township and now is seeking almost 5,000 acres of land. This represents a considerable amount of land which the government obviously wants to have urbanized. It underscores the policy that Mr. McKeough announced some years ago of urbanizing that area.

I would have thought that with the concentration these days, by the media and other people,

on the kind of policies this government is espousing with respect to urbanization, it would have changed its mind about this. Yet we have here again a policy which underscores the fact that the government wants this area to be commercial, residential and industrial. If that were not the case, why would the government include it in this plan?

Briefly, to summarize the comments I made the other day and the feeling of my party colleagues and myself with respect to the annexation that has been proposed here, we feel very much that this is the wrong step to take. We are going to oppose the bill on a number of grounds.

First, it is going to create more bitterness than has been evident to the present. It is going to represent to the people, particularly of Vespra and of all other small municipalities, an indication that the government does not care about the small municipalities; that it is prepared to have the small municipalities raped, as was evident with respect to Innisfil and more evident with respect to Vespra township, which has fought the annexation for some time, has won by the decision of the Divisional Court but has obviously lost with respect to the government members and the Premier of Ontario (Mr. Davis).

Second, if the government was going to go this route we would have preferred to go by way of the Municipal Boundary Negotiations Act which was set up for this definite, specific purpose. The government obviously does not have confidence in a piece of legislation it has passed and therefore wants to go via direct legislation.

Third, the joint board that is going to be set up to deal with and resolve the problems of remuneration or some kind of restitution for the land and assets Vespra township is going to lose has three strikes against it. In the final analysis if it cannot resolve the problems itself the Ontario Municipal Board is going to resolve them.

We know the Divisional Court found that the Ontario Municipal Board was distinctly biased in favour of one of the municipalities, distinctly biased against one of the municipalities, and therefore Vespra township has no clear indication it is going to get a fair hearing by the Ontario Municipal Board. I propose that the cards are stacked against Vespra right from the start.

Next, even Barrie has asked for only 320 acres, and yet the province is suggesting it be given 4,580 acres subject to the committee's decision, which I think is wrong. If Barrie was

prepared to settle before the Ontario Municipal Board for 320 acres why would the province then turn around and impose a maximum of 4,580 on Barrie, for whatever reasons?

Next, I do not think the compensation for the legal costs has been addressed by the government to date. Both municipalities have experienced a considerable amount of legal costs due to the fumbling by the provincial government. It has been hundreds of thousands, and maybe millions of dollars, and yet this point has not been addressed.

The assessment that I indicated the other day is going to be lost by Vespra township was wrong. I indicated it was half of the commercial assessment. In fact, it is 90 per cent of the commercial assessment and half of the total assessment which is going to be lost by the township of Vespra. Therefore, it makes the township essentially impotent to deal as a viable municipality after the annexation. It is a considerable amount of land and an important assessment base which the municipality is going to lose.

I think the member for that area, who represents both Vespra township and the city of Barrie, obviously from a greedy political standpoint, has sided distinctly with the city of Barrie rather than taking a neutral position. I dare him to take a neutral position. I dare him to come before the House and say he has taken a neutral position on this, because everybody in Barrie and Vespra knows he has sided with Barrie on this simply because he thinks the votes are in Barrie and not in Vespra.

As I indicated the other day, I think the people of Barrie who have not asked for this annexation and who are fair-minded will remember that when they go to the polls, and I think the people of Vespra will remember it.

Last, I think the date of January 1, 1984, is not a fair date. I ask the government to change that at least to July 1, and better still to January 1, 1985, so that the standing committee on general government that is supposed to look into this matter does not have that cloud hanging over its head. The reason I suggest a delay of at least six months, but even better of a year, is that I have spoken to representatives from that area and they find it impossible to get the firefighting equipment and so forth in place for the residents and for the 4,580 acres, which protection obviously is supposed to be available based on the legislation that is proposed.

I am told that if Barrie is supposed to police this area it is immediately going to have to buy at

least another police cruiser within the next week or week and a half, and have another two or three constables to look after that area.

I am told they are not in a position to look after the roads they are going to have to look after that quickly either.

Last but not least, they need to have everything all set for the assessment of that area, and they are not going to be able to do that. Let us assume for a moment that they would look after the assessment of over 4,500 acres starting on January 1, then, if the committee decides, and the government has the majority on that committee, that it should be 4,000 acres or 4,080 acres, everything is going to have to be changed again. I do not think that is fair to the people in Barrie, in Vespra township or in the provincial civil service to be flipping back and forth.

5 p.m.

I ask the minister, through his parliamentary assistant—we notice the minister is not here again—seriously to consider changing the date of January 1, 1984, to at least July 1, 1984, or possibly January 1, 1985.

**Mr. Breauch:** Mr. Speaker, we will oppose this piece of legislation. I want to begin by reading into the record a resolution which was passed this morning at the county council in Simcoe. I think it puts a good perspective on why the members here ought to oppose this legislation. It reads:

"Whereas the provincial government has introduced Bill 142 to enforce annexation of land presently in the township of Vespra to the city of Barrie without ascertaining in a proper and democratic manner whether such annexation is required; and

"Whereas prior to the introduction of such legislation this county had passed a resolution opposing annexation on the grounds that it would be detrimental to the interests of the residents of the county of Simcoe; and

"Whereas the said Bill 142 wilfully ignores such opposition expressed on behalf of over 165,000 people;

"Be it resolved that the strongest possible protest be sent to the Premier of Ontario (Mr. Davis), the Honourable Claude Bennett and all MPPs representing this county on the grounds that such legislation is contrary to the democratic principles of this country and against the greatest common good; and

"Be it further resolved that a copy of this resolution be sent to every county in Ontario for endorsement on the basis that such arbitrary



action constitutes a dangerous precedent which should be opposed by all who may ultimately be threatened with similar action.

"All counties endorsing this resolution are hereby requested to notify the Premier of Ontario, the Honourable Claude Bennett and their MPPs of their decision."

In a rather succinct form, I think the council unanimously addressed itself to the problem with the bill. Members may recall that in a previous session we set out a piece of legislation which provided for negotiations around municipal boundaries. Those of us who have had even an interest, let alone an active role to play, in attempting to arrive at a resolution of problems surrounding boundaries know that it can be a very vexing piece of business indeed.

There are a number of interests which collide and there are a number of positions which are difficult to accommodate. However, it seemed to me that Ontario, in the last session, had finally put its mind to this very difficult problem of boundary disputes which have gone on for some time. The real difficulty with them is that in a boundary dispute virtually no one wins.

The techniques available are to put applications before the Ontario Municipal Board. Other municipalities have attempted to use the judicial system either to overturn decisions made by the OMB or have provided for different courses of appeal. In the long run, many of our small rural municipalities have been faced with a problem they really cannot handle. Therefore, they hire lawyers, usually from Toronto, Ottawa or one of the major centres, to argue their case in court. These cases tend to go on for some lengthy period and the lawyers tend to be about the only ones who prosper by the length and acrimony of these debates.

The difficulty with this bill is that, for some reason which escapes me, the new Municipal Boundary Negotiations Act has not been used. When one listens to both sides of the argument from different sources, as I think we are obliged to do, one gets the distinct impression the government of Ontario chooses not to deal with this in a formal upfront way.

When one looks at the legislation before us today it is difficult to find out just exactly why, after a dispute which has gone on for more than a decade, the government of Ontario is now deciding this legislation is the route to go. Where was the intervention on the part of the government during all of this dispute?

I recall the past history of this dispute and it is an interesting one indeed. It is a dispute in

which, in many ways, Ontario has been more than an observer through its land use planning, in plans put forward by Darcy McKeough at one stage. There are several members in this Legislature who are more than familiar with this kind of a dispute.

I do not know whether it is because the government, in a rather arbitrary manner, has decided that once each year it will find a tiny municipality somewhere in Ontario that is involved in a boundary dispute and will put forward legislation of this nature which really takes a whack at it.

Members might recall that last year Tiny township was involved in a dispute that was raised here in the Legislature. I found it interesting at that time that the minister had to be persuaded near the end of a session to send that dispute out to a committee for an afternoon. Somehow Ontario's very life would have been threatened if people from Tiny township were allowed to appear in front of a committee of the Legislature.

I do not know what the fuss and muss was, but certainly when we got out there and spent barely an afternoon listening to the arguments from both sides, it became evident why the province was afraid to let that bill go out to a committee; contradictions galore were presented in the testimony.

If I were in a different position, say on the Ontario Municipal Board or a judge in a courtroom, it would strike me that little Tiny township had put together a pretty tough legal argument and had a pretty logical case, while the government of Ontario had no case on its side. It seems to me this bill presents us with a similar kind of context, that it is difficult to understand why at this particular moment the province has decided to take on Vespra township. I do not see the rationale behind it.

It is difficult for me to understand why they stood around, at least in a public way, and did nothing about it for virtually a decade; and now, all of a sudden, near the end of a legislative session, have decided to make their big move. It is tantamount to another invasion of Grenada. I cannot figure it out. I do not know why the province wants to conduct this invasion of Vespra township.

**Mr. Renwick:** There is another similarity; there is no press here, either.

**Mr. Breagh:** Maybe that is it. Maybe another bit of Ronald Reaganism has crept into the Ontario Legislature. This is a good time to pull a move like this; at the end of a legislative session

one can pull the wool over somebody else's eyes.

I think it is fair to mention, too, some of the activities of local members. One explanation that is put to me—and I do not know whether there is a great deal of truth in it, but I imagine there is some measure—is that the member for Simcoe Centre (Mr. G. W. Taylor) has decided in his mind that this is the time to put a move on Vespra township and that is why, all of a sudden, out of the blue, Bill 142 appeared.

Someone told me this morning that the member has put out to his constituents a letter claiming that this was his baby, that the resolution is his. Bill 142 is fair, honest, equitable, wonderful and all of that; and he did it, is claiming the credit for it. It strikes me that puts us here in the Legislature of Ontario in a bit of an awkward position because he is not the minister who is introducing the bill.

As a matter of fact, ironically enough, the Minister of Municipal Affairs and Housing (Mr. Bennett) is not here. His well-manicured hands have not touched this bill so far. I do not think he is going to be a participant in the debate. The minister responsible for this piece of legislation will not really have very much association with it. He made a rather neat, clean statement to the Legislature when the bill was introduced, and he is long gone.

Left to defend the flag, tattered though it may be, is the member for Wilson Heights (Mr. Rotenberg), the hit man for municipal affairs. He is the one who is going to be the villain in the piece; he is the one who will do the nasty work; he is the imported hit man brought in from offshore to conduct this invasion.

Yet I see that the member who is claiming credit for it back home in the Barrie area is not even sponsoring the bill. I imagine he will participate in the debate. I know we are going to ensure that he at least has the opportunity, as a member representing an area that is directly affected, to participate in the debate. I would be surprised if the member for Simcoe Centre did not join in this debate.

**Mr. Ruston:** Oh, I'm sure he will.

**Mr. Breaugh:** It seems to me he has that obligation at least. As the rumours fly through Simcoe county he is the man who arranged for it to happen; he is the guy who arranged the assassination of Vespra township, or annexation of Vespra township, whichever word one cares to put in there.

**Mr. Nixon:** How about "rape"? They usually use "rape."

**5:10 p.m.**

**Mr. Breaugh:** That is a Liberal word. Liberals are more commonly associated with that word than New Democrats are.

I seem to recall there are other members from the Simcoe area who might well be able to provide us with a good view of what happened there. The member for Simcoe East (Mr. McLean) is an example. I seem to recall not long ago, in another life, he was the reeve of Oro township and he cut his political teeth fighting a similar kind of move. When the province decided to invade that township the member stood his ground and said, "No, you cannot do that to my township."

It should be an interesting debate as we go through on second reading and gather up opinions from the local members in the forum where they are elected to express their opinions. We all know when members go back home they are obliged to write letters to their constituents, to make speeches or to chat with them on the street. But we also know those same people elect the members to come down here to Queen's Park and to go on the record in formal debates and on second readings where they put their personal position about a bill like this one in a public way; not in a private way, not in a little chit chat on a street corner, not in a one-way letter to their constituents out there but by participating in the debate.

If members believe this bill is a good bill they have an obligation to tell us why. They have an obligation to make the argument that they believe Bill 142 is fair legislation. I am certainly going to put the opposite side of that argument. I believe it is not fair legislation. I believe the premise of this bill is wrong.

It is a little difficult. For example, this morning I reread the statement made by the minister when he introduced the bill. I was looking for the reasons for the bill's presence before the Legislature. I got some background material of a decade of arguments and lawyers' fights over what was right or what was wrong with disputes before the Ontario Municipal Board and in other places, but I could not find anywhere an indication Simcoe county thought this was a good idea. I could not find anywhere that Vespra township thought it was a good idea. I did not even find a suggestion from the city of Barrie that it was a good idea. So where did the idea come from? That is missing.

There is a whole missing element that is not in



place when I try to look for the reasons for the bill. When I look at the principles espoused in the bill, again I find some difficult things, things that do not quite match up. Why are the boundaries laid out in such a grandiose scheme here? If the government has made up its mind, if the government is putting forward a position it has certainly done so in a strange way. It has said, "Here are the boundaries of the largest annexation we can envisage." That begs the question that somehow when this goes off to committee the boundaries will shrink so there will not be quite so much of an invasion, there will be a little less pain.

It says there will be some financial redistribution in the area. The difficulty is that the annexation as it is now proposed is not really the kind of thing that says a little bit of money around the edges will resolve the problem. What the bill is doing to Vespra township is gutting the financial base of a rural township completely. It is taking away the real source of revenue, its business and commercial taxation. It is swooping on that. There is a bit of a land grab here.

What is more, it is a land grab without the compensation being spelled out. We are expected to believe that somehow in committee hearings the government will make its position known. In some quarters, when this kind of approach is taken, it is called nationalization. More than that, it is called nationalization without compensation. First the government steals the land and afterwards it decides how much to pay for it.

**Mr. Nixon:** Stick with the Grenada analogy, it is probably better.

**Mr. Breaugh:** My friend the member for Brant-Oxford-Norfolk likes the Grenada analogy. I do not like what happened there at all. I understand why he might be enamoured of that process, but I am not.

There are structural problems with what is being proposed here. I believe the county council in passing that resolution this morning hit the nail on the head. It is not the details of this bill that are so awful and offensive; it is the very principle of it. It is being done without any consultation in a formal way that other members here could find out about, other than whispered conversations and rumours which might have happened somewhere back around this area.

In a formal way I would ask the parliamentary assistant, or the minister if he has the inclination to show up, where is the request from a municipi-

pality out there to intervene now and resolve this dispute? I am fairly sure it is not there, not from either one of them, in a formal way that the members here could understand and could gather some public records of motions that were passed or consultations that were held; they are not there either.

What happens to the democratic process that many of us are so strongly in favour of when we say that municipalities in Ontario have perhaps not complete autonomy but only a lot of it; not a right to control their own affairs, to decide for themselves what will happen to themselves? In many ways we know they do not have that autonomy. They certainly do not have financial autonomy. But surely in matters such as this it is traditional that the initiation of legislation which would resolve something like this would come from one of the two affected municipalities. To the best of my knowledge, from what I could find out, it has come from neither of them. That disturbs me somewhat. When I look for a process at work I cannot even identify one, good or bad. This seems to have just materialized from somewhere.

I must say I give a little more credence than I usually do to the rumour that one local member has taken the bull by the horns, so to speak, and has decided that now is the time when this thing is going to be decided in this way. He is going to put it in there and he is going to use the majority of the Tory government to make it happen.

When one looks at the principles that have been put forward here it is not a very logical way to proceed. I recall the parliamentary assistant in a private conversation saying: "We have this little Barrie-Vespra bill. We want to bring it in. We want to have the members have a little debate on second reading and then we will whip it out to committee for a couple of weeks and take a look at the details."

Then I read the bill. I find the bill goes into effect on January 1. What happens in Barrie and Vespra township on January 1?

**Mr. Rotenberg:** Nothing.

**Mr. Breaugh:** The member says "nothing." All that happens is that a land grab occurs. After the land grab occurs we will worry about the financial details.

For example, one of the nice things that has been done here is that the reeve of Vespra township can sit on the Barrie council for a while. That is a wonderful thing.

I think this Legislature has a right to expect that when the government puts legislation of this nature before us we can see the process at



work. We should be able easily and clearly to identify how the government of Ontario arrived at this legislation. We should be able to see minutes from a council meeting where it was discussed openly and publicly by a duly elected local council. We should be able to see there are motions that were passed by that council asking the province to proceed with this kind of annexation legislation. It is not there.

Quite the contrary. What I find is that the local county council is condemning the government for the bill, for the process, for the lack of respect for local government. I think the county council's resolution has a whole lot of justification behind it because there is not in place—

Interjection.

**The Acting Speaker (Mr. Cousens):** Order. Did the member say something that was unparliamentary? I was not giving full attention to the exact words.

**Mr. Breagh:** I did not say "dishonest," let me put it that way. The member for Wilson Heights is feeling his conscience just a bit. He uttered the word; I did not.

**The Acting Speaker:** I just asked the member, because I have not seen the record. If there is something on the record, the member should try to expunge it.

**Mr. Breagh:** I would like to expunge the member for Wilson Heights, but I cannot do that. I would withdraw the word "dishonest," but I did not use the word "dishonest." The member for Wilson Heights used the word "dishonest."

**Mr. Rotenberg:** The member for Nickel Belt (Mr. Laughren) used the word.

**Mr. Breagh:** He was parroting words used by someone else.

**The Acting Speaker:** Order, member for Wilson Heights. The member for Oshawa has the floor.

5:20 p.m.

**Mr. Breagh:** These little interjections are so pleasant.

I want to go back to another document which was sent to many members, if not all of them, by the township of Vespra. It points out that this is not something being opposed willy-nilly by Vespra. It is true, it has been a dispute of long standing. It has been a dispute which I imagine has cost both municipalities a fair amount of money in legal fees. It has been a dispute with a strange and varied history. The township put

forward to me, in a letter I received on December 9 a case, an argument, a logical, rational approach to opposition to this bill that deserves some mention.

The first point is an important one. The letter says: "The legislation has been introduced on the basis that it is a solution to a struggle between two municipalities which has taken place over a period in excess of 10 years. We were not the initiators of that struggle, nor did we ever wish to be participants. Certainly, we have defended our position against the initiators, as any man is surely entitled to do."

Even with that little slip into the wild west, that is a pretty good argument. The township is saying, in essence, that not only is this bill not of its liking or initiation, but the whole dispute is not of its liking.

There are two sides to boundary disputes. It is a little unfortunate that at this time I do not have a similar kind of condensed version of the argument from Barrie, but I anticipate we will get that. I am sure the member for Simcoe Centre, among others, will want to put on the record that side of the argument. I would be happy to put it on the record too if I had it.

The township's second point is also worth considering. It writes: "It has been stated that it is impossible to reach a conclusion in any other manner than by legislating." To digress from what it had to say for a moment, I am not aware that very many other alternatives have been tried. I am aware of the legal process that was at work, but I am not aware of any public attempts at conciliation on the part of the government, nor of any attempts made in a public way to resolve the problem without legislation or the use of the courts. Those things may have happened, but in searching through the records I have on this dispute I am not sure that a lot of time and effort to resolve it was spent on the part of the government in an open and public way of which one can find a record.

Perhaps that has occurred; perhaps it occurred privately. The difficulty is that it most likely did occur privately, and those of us who would like to search the records to find out what happened will never find out. The backroom boys took over, and deals, promises and offers were made and offers were refused. All was done behind closed doors, which is an unfortunate way for the government to proceed.

In pursuing that point, the Vespra township council said: "We do not understand how this statement can be made, in view of the fact that during the last three years the only attempt that

was made at negotiation was by the council of the day of this municipality who wrote to Premier Davis in an attempt to establish appropriate negotiations.

"The resultant negotiations lasted through only three meetings because the city of Barrie indicated they then required twice the amount of land which had been found by the Ontario Municipal Board to be appropriate for annexation after the longest and most expensive annexation hearing in the history of the province." Not much of an effort was made, one would have to say, at least in a public, traceable way.

The township letter goes on to say: "It is already becoming apparent that a legislated solution is going to create bitterness, the extent of which and the political effect of which is going to be virtually unparalleled."

It is the township's right to have an opinion such as that. One part of that is surely fact; it is going to cause a lot of bitterness. The bitterness is already forming and it is at the instigation of the province, which did not seek a quiet or a negotiated resolution but came down rather heavy-handedly with an iron fist and said: "There is the legislation. There is your solution."

The difficulty is that it forces the participants to try to negotiate from a position of great weakness. I happen to have had some conversations with people from Vespra township and they asked me, "What happens from here?" I said, "If the bill carries on second reading, the proposal is that it will go to a committee of the Legislature and you will get an opportunity to participate in that way."

The difficulty is they are not going to be members of that committee. They will not have an opportunity to argue their day in court. They will have an opportunity to appear as witnesses but not as participants, and that is rather sad because they are more than just witnesses. Those people who are duly elected in that area ought to be participants and they will not be. The sad thing is this government has a majority now so there is not going to be much in the way of negotiating.

I think it is not unrealistic to say, and I am not being at all derisive, that the government has a majority and it has consistently shown it wants to exercise that majority. When it comes time to vote on any matter put before the committee, I have to tell the House who is going to win. I regret to say the Tories will carry the day. They have the majority of members on that committee. I would like to be able to say that in fairness it is fairly common practice around this Legisla-

ture that anyone who has a good idea is going to carry the day, but that is not true.

Most of us who have spent time here debating bills and proposing amendments in committee, going through things clause by clause or doing committee reports, know the government carries the day and the government gets almost paranoid about even the presentation of ideas from an opposition side. For example, the other evening when we were debating a related piece of legislation, Bill 119, the government saw fit to produce a couple of amendments in the afternoon. It expected and got unanimous consent from the Legislature to put the amendments because there was some technical question as to whether the amendments would be in order.

Yet when an opposition member decided to put forward the same kind of amendment dealing with his regional municipality, having to do with a matter which had been passed by the local council and by the regional council, and which I am sure the government and opposition members knew had been widely discussed and widely endorsed in the community, it was a bit of a battle even to get it on the floor even though the government House leader was saying they would give unanimous consent. That seems quite illogical to me. He has his majority over there. Why not let him put the amendment on the floor, because when it comes voting time one thing they know for sure is they have more members over there than there are here. They cannot lose.

The same parliamentary assistant who is carrying this bill sat in his little place over there and chirped, "No, no." Ten minutes earlier he had said: "Listen fellows, we are all honourable gentlemen. I have a couple of little amendments here which might be out of order, but you will all give us unanimous consent to put them, will you not?" It happened to be about matters where we agreed and we all said, "Sure, why not?"

**Mr. Stokes:** Some are more honourable than others.

**Mr. Breaugh:** This is the Legislature of Ontario and we know one another. We knew the substance that was in those amendments. It seemed to all of us that it was a fair, honest and reasonable way to proceed. But not to the member for Wilson Heights who is now carrying this legislation and expects me on the opposition side to decide he is going to change colour completely when it comes to dealing with Bill 142, that he will not be worried about being in a majority, that he will not be worried about who puts forward the amendments, that he will not



be worried about the procedural stuff and that all of that will fall in place gently.

I do not believe that is going to happen. He is asking a great deal of me as an opposition member to believe that this blank cheque, Bill 142, will be signed and then all the details will be filled in later. It seems to me quite the contrary. In entering into this kind of negotiations, in entering into legislation of this nature, we on the opposition side, and members of the government side as well, have a right to expect the detailed work to be done before the legislation is introduced.

I recall the legislation setting up the region of Durham, which is a similar type of activity. I happened to be involved in that. There was great concern on the part of the council. First, a proposition had been made that they had never heard of, very similar to this situation. Second, a demand was made fairly clearly in that area that the government of Ontario had better get off its duff and get down to that area and start talking about the details because we wanted to know facts, figures, boundaries and all of that, all of those things that are of concern to members of a municipal council.

### 5:30 p.m.

It seems to me that people in Vespra, in Barrie and throughout Simcoe county have a right to know now just exactly what the government is proposing. It is not a reasonable way to proceed to say: "Here is a bill which is going to cover this annexation. This is the largest area, but it may get smaller or it may change in shape. All of that will get sorted out later." It is not good enough for the government to say, as it does in this legislation: "We know there is going to be some financial disruption, but do not worry about it, boys, we will take care of that later."

I would think that municipal councils and opposition members, and government members for that matter, have a right to know a little bit more of the details. The government is ripping the guts out of the financial base of Vespra township. How is it going to replace that? What does it have in mind? A couple of transfer payments or a couple of Wintario cheques? Is the government going to have a couple of raffles up there? Just exactly how does it propose to re-establish a financial base in Vespra township?

That is a pretty legitimate question for Vespra township people and the county council to ask. Opposition members have a right to an answer of some sort. Do not give me this business about,

"Do not worry, boys, we will look after you later."

I have been involved in different kinds of negotiations. It seems to me that anybody who would sign on the dotted line or nod his head wisely at the appropriate moment to an agreement of that nature would be crazy. That is just not the way business is done or contracts negotiated, or how an agreement of this sensitive, complicated, technical nature will be resolved. Quite frankly, in my opinion the people in the county of Simcoe would be a little nuts to accept that kind of blank cheque approach, "Do not worry about it; we will work out some arrangements later."

I want to go over a couple of more things that are here in this little letter which was put out to us from Vespra township. They talk about the bitterness that is going to be created and has been created now. They talk about the land claims that are made by the city of Barrie. Nowhere in conversations with people from Vespra or people from Barrie can I find someone who ever proposed that the government's legislated solution is sensible in terms of land size. Nobody on either side of the argument has ever proposed that.

Vespra township goes on talking about what this will do to revenues for the city of Barrie. I think the member is quite right, there will not be a dramatic increase or decrease in revenues to Barrie; but the estimation from Vespra township is that the loss of this land represents at least 90 per cent of its commercial assessment or approximately 45 per cent of its total assessment, just about half.

I know what happens in my municipality when something jeopardizes five or 10 per cent of the municipal assessment. People start taking a look at that and say that is enough to make an impact on each and every home owner out there. If we were talking about half of the assessment going out the window in Toronto, Oshawa, Sudbury or anywhere else, that is big money. That is not only a problem for council, although eventually the councillors would pay a political price if they just sat around and watched that happen, but for individual home owners.

I will not go into all of the details that have been put forward by Vespra because they did give us a very tight, concise argument, which I anticipate members will hear again if and when this bill does get through second reading and goes off to committee.

They go into the history of the details of the decisions that were made by the Ontario Munic-



ipal Board and give their opinions on those. They go over some of the history of Barrie's inheritance of 8,000 acres from the township of Innisfil at the beginning of 1982 so that it now has more than sufficient land on which to develop and prosper.

The county of Simcoe, having already sustained a substantial loss as a result of the transfer of the land from the county township of Innisfil to the city, now stands to lose yet further substantial assessment as the result of this legislation with no compensation payable to Simcoe. The effect of this will be that every person in the whole of the county of Simcoe—the estimate here is 225,000 people—will pay a proportionate part in the price of this land transfer.

They go on in their appeal to attempt to use the Municipal Boundary Negotiations Act, which I think is their expectation, and I imagine we will hear in committee that they will want to have some version of that act, or at least to use that act and have it apply to their situation. It seems to me that is a pretty tight argument. Why would the Legislature of Ontario pass an act specifically designed to resolve boundary disputes and then, less than a year later, throw it out the window and say: "We are not going to use it. We don't even want to bother to try use it. We are just going to go back to a straight, old-fashioned annexation bill"?

It is a very heavy-handed, unfeeling, unkind way to proceed and I am at a loss to explain it. I do not understand why the government did not at least make the effort to use the act. Comparatively speaking they have had 10 years of litigation. Why would they not give their boundary negotiations act an opportunity at least to be tried?

**Mr. Laughren:** You think maybe he had his reasons, that there were ulterior motives?

**Mr. Breaugh:** There may have been other reasons the government of Ontario chose to do it.

I want to conclude with another little quotation from this letter, because I think they hit the nail on the head again. They say:

"Finally, the timing involved in the bill is so immediate as to be absurd. The bill specifically provides for the land in question to pass to the city of Barrie on the first of January 1984. In other words, the county and the township have less than a month in which to adjust their position to take in the substantial revenue loss, and the city of Barrie has precisely the same period in which to provide fire protection, road

service, etc. to the fairly substantial annexation area.

"In addition to this, the change in assessments will have to be recalculated by the assessment office, and may then require further recalculation if and when it is established that any part of the proposed annexation area is not in fact going to be annexed.

"If this bill has to take effect, the parties involved should be permitted a year in which to adjust and prepare for the changes. It is accordingly strongly suggested that this act should not take effect until the first of January 1985."

That is pretty commonsense stuff. It seems to me they have made an argument, and they have obviously learned from other people's experience, that there is a need for a fairly lengthy lead time. The government can say: "Don't worry, boys. Nothing is going to happen on January 1. The dogs will still run up and down the streets, the fire department will be there, the police department will be there and no bad things will happen." I happen to be of the school of thought that if the government of Ontario thinks it is such a hot idea that this bill ought to proceed, I cannot for the life of me figure out why it would not have given them sufficient lead time so that all of their concerns would be allayed by the time the bill takes effect.

The minister came to my area and talked about regional government and substantial changes in boundaries, in obligations and in financing. To be fair, the discussion on that process probably elapsed over pretty close to a decade. Before he got to the point where he talked about legislation and started drawing boundaries, responsibilities and all that, we had about 18 months, at least a year in a formal way, to get ready for the transition period.

But here in this bill he is proposing that all that stuff be abandoned: "First, we are going to do it and then we are going to figure out how we are going to do it." It makes no sense to me. It strikes me the township of Vespra has made a reasoned argument in this little letter to the members. I do not know quite how many members got it, but I know I did and several of my colleagues on this side did; I would imagine government members got it as well. They made a reasoned argument and basically they are asking, as a bottom line, for a little lead time to prepare for this.

They need to consider several very complicated matters. They certainly did not get any notice—at least, I am not aware that they got notice—that the legislation was even forthcom-

ing. Maybe the government member in the area went and told somebody, but when I went looking for notices from the province that they intended to proceed with what is now called Bill 142, I could not find that notices went out to Vespra and Barrie, the affected municipalities. 5:40 p.m.

There is nobody carrying this bill in the House at this time. The minister is not here; the parliamentary assistant is not here. There is nobody I can question who is responsible for the bill. So I am not sure how we proceed here. The Speaker is having a friendly chat up here. The Minister of Correctional Services (Mr. Leluk) is reading his newspaper. The Solicitor General (Mr. G. W. Taylor) is resting comfortably, as he usually does.

When we ask even simple questions in the course of debate, such as, "Did you send out notices to anybody that you were introducing this legislation?" we cannot get answers. If we cannot get even a simple response to a question like that, imagine what it feels to be one of those affected municipalities, where there is a need to know that legislation is forthcoming. There is a need to know the financial details of all this. There is a need to know who is going to be carrying the responsibilities come January 1 in Vespra township or in Barrie or wherever gets annexed.

No one does know that. They are being asked to accept on blind faith that a government that did not even bother to discuss it with them is somehow going to look after their needs later on. It seems to me the government is asking a bit much.

I want to get to some of the principles of the bill because I think they are worth debating. In particular, they should raise some questions in the minds of members here as to what precisely is being proposed. As a guideline, I will use what is provided as an explanatory note because I think these principles have to be accounted for in this debate.

First, "certain described lands in the township are annexed to the city on January 1, 1984." That is fairly straightforward. The only thing that is not so straightforward is that we do not know, and the government admits we do not know, what those certain described lands will be. We do not know what they will be, but they will be annexed on a particular date, January 1, 1984.

**Mr. Rotenberg:** That can be changed too.

**Mr. Breaugh:** That could be changed too.

**Mr. Rotenberg:** I indicated that in my opening remarks.

**Mr. Breaugh:** This is getting ridiculous. Does the parliamentary assistant mean that January 1, 1984, could be changed?

**Mr. Rotenberg:** Of course.

**The Acting Speaker (Mr. Cousens):** Order. We are not in committee.

**Mr. Breaugh:** I happen to take the government at its word, as it prints the stuff up. It seems to me what I am being asked to vote for this afternoon is an unknown quantity of lands on an unknown date; a pig in a poke.

When certain native people sold Manhattan Island at least they knew how many beads they were going to get and the water around it told them what the boundaries were. In Vespra township, we are not even doing that. It seems to me the members in the Legislature this afternoon who have to debate this bill do not know, cannot possibly know, first, exactly what lands are under discussion here, because the government does not know; and second, according to the parliamentary assistant, who is the sole, feeble voice of the government on this bill, we are not even sure when. That seems to me to be a reasonable basis on which to oppose the legislation. These are logical questions to ask.

The second principle they put in here is that "the assets and liabilities of the township attributable to the annexed area become assets and liabilities of the city without compensation." Whoa. Wait a minute. I bet if one of our members suggested that something of a physical nature be taken over without compensation, the member for Wilson Heights would be one of the loudest screamers that one cannot seize private assets without compensation; one cannot even say so.

Ironically enough, this afternoon he is the member who is saying that a portion of a municipality in Ontario in 1983 can be seized without compensation, quite a remarkable statement for the member for Wilson Heights to have to defend.

The provision is made for a committee of arbitrators to determine which of the assets and liabilities of the township are attributable to the annexation. One can see that somehow the central junta will sit down at some point and divide up the spoils. In a yet unnamed committee, a yet unexplained set of circumstances will get divided up.

If somebody came to me and said, "Mike, we want you to buy a car. Later on, we will tell you



what the price is. Later on, we will have the central committee sit down and they will tell you what the monthly payments are. Later on, someone will come in from some other regime and tell you whether you can or cannot drive the car," I would be a little upset. I suggest that is not a reasonable way to proceed.

Much like the township of Vespra, I am suggesting to the members this afternoon that this bill is not a reasonable way to proceed.

The third explanatory note is that, "Unpaid taxes on the annexed lands may be collected by the city as though they had been imposed by it." That is quite a remarkable little concept the government is proposing. It is not only taxation without representation; it is taxation by a group that has no jurisdiction, let alone representation.

The old Boston Tea Party and several revolutions have been fought around that very concept. Yet I look at a Tory government in Ontario saying in an explanatory note that a bill it is proposing to the Ontario Legislature says, "Unpaid taxes on the annexed lands may be collected by the city as though they had been imposed by it," recognizing it was not the city's right to collect those taxes, and recognizing the people in that piece of Ontario did not have any representation because at that time they lived in another municipality, but allowing one municipality to take taxation from another as though it had imposed it. That is a really neat political concept.

I am not sure whether even the member for Niagara Falls (Mr. Kerrio), who is usually referred to as a very right-wing member, would allow that kind of legislation to be put forward. I think even he would say one cannot do that. There has to be a little bit of democracy thrown in around the edges to make it look good.

There has to be at least a defined jurisdiction. One cannot let them collect taxes after the fact on a piece of property that was not even part of their municipality. I think the member for Niagara Falls will be one of the first people up to say: "That is wrong. You cannot do that. Even I think that is wrong."

My colleague the member for Niagara Falls is pretty good about that kind of stuff. He jumps right into arguments like that. He does not let that kind of stuff float by. If he were here this afternoon, Mr. Speaker, he would have identified that. I am sure he would.

The fourth little principle the government is espousing this afternoon is equally unique. It says, "Provision is made for the application of city bylaws to the annexed lands and to deem

the provisions of the township's official plan pertaining to the annexed lands to be provisions of the city's official plan."

That is also remarkable because most of us who have had some experience on municipal council have been defenders of the faith, so to speak, around the planning process, so that every time a bylaw is changed, every time an official plan is changed, any time any planning activity out there happens, there are a couple of things that are sacrosanct. First, one tells people about it; one provides them with notice. Second, one provides an opportunity for them to come before a committee of council or the full council and voice their opinions about the matter.

Planning matters have been overturned because councils forgot to notify people or did not bother to hold the public hearing. The OMB is full of cases where some irregularity was found there.

But in this bill this government is saying: "Never mind about the planning process or about the right of people to object to whatever zoning bylaw might have been proposed or planning amendment might have been put forward. Never mind all that trivial garbage that is called democracy. Let us just take these zoning bylaws and apply them to this little area over here." It is as if an old zaparoo was put on.

It seems to me that anybody who has had even the most fundamental involvement in the planning process in Ontario knows one of the cornerstones of it all is supposed to be an openness and a willingness to listen to the people who are directly involved in whatever it is in the planning process that is going on, a bylaw or a planning amendment. The right of individuals to be aware that a change in zoning or planning is going on in their area is held to be essential. The right of those people to appear to comment and to say their little piece about all of that is held to be almost sacrosanct in Ontario.

**5:50 p.m.**

There is something wrong with that process as well because, for example, it does not even mention a period of time. It just says flat out, "Provision is made for the application of city bylaws to the annexed lands and to deem the provisions of the township's official plan pertaining to the annexed lands to be provisions of the city's official plan." It is a neat little myth. We take one set of bylaws from here and shove them over here, and another set of bylaws from here and shove them over here, and never mind the people's rights under the Planning Act or the



Municipal Act to state their argument. Just set that aside.

The next little piece is an interesting concept as well. It says, "The Minister of Municipal Affairs and Housing is empowered to order, over a transitional period, that different rates of taxation be imposed on the lands annexed to the city and on the remainder of the city than would otherwise be imposed."

Some of us have been foolish enough to think over the years that rates of taxation in local municipalities are established in a very open way by municipal councils deciding on their budgets, matching them up to their assessment, establishing their priorities, establishing a rate of taxation and that is it. Some of us laughingly refer to that as the democratic process, far more democratic, for example, than the process used here to strike a budget.

But this little bill says, "Well, let us just set that aside for a while." What we have here is one person who is not a resident of either municipality, that is to say the Minister of Municipal Affairs and Housing (Mr. Bennett), who has total power to order the rate of taxation. That is exactly what the explanatory note says—total power to order the rate of taxation.

It goes further than that. It says he can impose different rates of taxation. That is an interesting compensation, it is an interesting consideration, because in municipalities there are lots of arguments over assessment—that somebody's house or property is worth more than somebody else's. But the rate of taxation is held to be the same and the variance at work there is that the value of one's property is different.

That concept, fought for over a lengthy period of time, goes out the window too, because now the minister says there can be different rates from place to place. He does not say who or what, just that there can be. One man—not a council, not anybody elected in either Vespra or Barrie, but one man sitting in Queen's Park—has the power to establish those rates. The next logical thing is to ask the question, "How long, Lord? How long?"

It gives lots of detail here because it says "over a transitional period as yet unspecified." There is now some magical power put to the Minister of Municipal Affairs and Housing over an unspecified period of time to level unspecified rates of taxation, at different levels, in different places.

**Mr. Rotenberg:** Read section 6. It is about time you specified.

**Mr. Breagh:** Excuse me, Mr. Speaker, I am getting instructions from the member for Wilson Heights whom I intend to ignore as I always do.

The next principle the bill contains is the provision made for the payment by the city to the township of compensating grants for the loss of assessment caused by annexation. That too is an interesting concept. It is not too often that one municipality in Ontario is expected to pay grants to another municipality in Ontario. For the most part, grants are paid by the province of Ontario to municipalities. This introduces a new concept in Ontario financing, which in essence says the city of Barrie is going to pay grants to the township of Vespra. I would suspect the township of Vespra is not happy with that provision but I would really be interested to know how the city of Barrie feels about a provision in provincial legislation which requires it to make grant payments to another jurisdiction.

I am familiar with the fact that in many municipalities we have financial arrangements back and forth—where they are sharing an arena, fire services, building roads or there is some tie-in. But they negotiate those things. This bill says the city of Barrie is now going to be in the business of providing grants to the township of Vespra. Here all along, foolish me, I thought it was the province of Ontario which provided grants to municipalities, not one municipality being designated by the province to give grants to another.

It says in the next one—

Interjections.

**Mr. Ruston:** The speaker is repeating himself.

**Mr. Breagh:** No, I am reading a list.

The member for Niagara Falls would never let that kind of heckling go on in here. He would keep order. Were he in the chair this afternoon I would be safe to proceed with my speech unharassed by other members.

I think we would be in better shape if the acting Speaker could figure out how to work the microphone.

**Mr. Epp:** On a point of order: Since the member for Niagara Falls cannot defend himself, I want to say on his behalf that he is probably the worst heckler in the House.

**Mr. Breagh:** I cannot let that go unchallenged. I would say the member for Niagara Falls is probably one of the best hecklers in the House. I do not understand why his colleagues deride him in his absence.

**The Acting Speaker (Mr. Kerrio):** Order. I

would like to hear the member for Oshawa. The member for Oshawa has the floor.

**Mr. Breaugh:** That is right. I think it is particularly unfair for other members to do that.

It does say that "the minister is empowered to grant financial assistance in the manner specified to the two municipalities."

Interjections.

**Hon. Mr. Pope:** Order.

**Mr. Breaugh:** Is there grave disruption in here, would you say?

**The Acting Speaker:** The member for Oshawa has the floor.

**Mr. Breaugh:** Thank you.

**Mr. Martel:** Can you control the House?

Interjections.

**The Acting Speaker:** Would the member for Oshawa continue, please?

**Mr. Breaugh:** I find it very reassuring that in enunciating the principles the government has put out in this bill we find that "the minister is empowered to grant financial assistance in the manner specified to the two municipalities." For that, we should be eternally grateful. It does not necessarily say he is going to do that. If I were entering into an agreement or set of negotiations like this I would certainly want to see that. But it does say, briefly enough, that he is empowered to grant financial assistance.

The next one is interesting too. It boggled my mind when I saw it. It says that "the head of the township council is ex officio a member of the city council." I find that interesting from a number of points of view, not the least of which is just in pure human terms. I wonder how the head of the township of Vespra council is going to feel sitting ex officio on the city of Barrie council. Is he going to be a full and active participant in council business?

From both sides of the coin, if I were the reeve of Vespra township I would say: "Thanks, but no thanks, boys. We are into an argument with these people and I do not particularly want to sit in the lion's den one evening a week and see how many strips they can take off my back"; on the other hand, if I were a resident of Barrie, I would say, "We know how to elect our own city council here in Barrie and we do not need the government of Ontario to put somebody from another municipality on our council by legislation."

I know this government on occasion feels the electoral process has served its purpose and should be done away with, but it seems to me it

is not necessary for it to pass legislation to determine who will or will not sit on the city council in Barrie. I do not think that is necessary at all. I think we could do without that. There are those who would say that is totally undemocratic, that it runs contrary to every democratic principle anybody has ever espoused that a government should use its majority to, in effect, do away with an election, which is what it is doing.

If I were a resident in Barrie that would be one of the things I would object to. If I were the reeve of Vespra township I surely would object to that particular principle in this bill.

**The Acting Speaker (Mr. Cousens):** The member has one more minute.

**Mr. Breaugh:** I do have some other comments but it is getting close to six o'clock if the Speaker would like me to close.

**The Acting Speaker:** No, there is still a minute.

**Mr. Breaugh:** The next one they put on the record here is an interesting concept. It happens to be one with which I am a little more familiar than I care to be. It says: "For the purposes of the next regular election to be held in 1985, the minister is empowered to redivide the city into wards, taking into account the annexed lands, and may provide for the composition of the council of the city."

I have to say that even for me that is far too much power to put in the hands of the minister. It strikes me the city council in Barrie may want to realign its ward system should an additional piece of property be put in.

Is the Speaker now saying it is six o'clock? If the Speaker wishes to call six of the clock, I will resume debate later.

On motion by Mr. Breaugh, the debate was adjourned.

## BUSINESS OF THE HOUSE

**Hon. Mr. Wells:** Mr. Speaker, just before you leave the chair, I should indicate that this debate cannot continue tonight because the estimates of the Ministry of Municipal Affairs and Housing are being heard downstairs. I suggest we continue this debate as the first order of business after question period tomorrow after we do the private bills on the order paper.

Tonight at eight o'clock we will begin with second reading of Bill 141, the Employment Standards Amendment Act. Following that, we will do concurrences in the following order: Labour, Justice Secretariat, Solicitor General, Correctional Services, Agriculture and Food and Environment.

The House recessed at 6 p.m.

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# **Hansard**

# **Official Report of Debates**

## Legislative Assembly of Ontario

**Third Session, 32nd Parliament**  
Thursday, December 15, 1983  
Evening Sitting

Speaker: Honourable John M. Turner  
Clerk: Roderick Lewis, QC



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# LEGISLATIVE ASSEMBLY OF ONTARIO

Thursday, December 15, 1983

The House resumed at 8 p.m.

**Hon. Mr. Gregory:** Mr. Speaker, on a point of privilege: Just before the orders of the day I would like to make an announcement on the election in Stormont, Dundas and Glengarry. Out of 118 polls, 74 have reported and 12,841 votes were cast. The Conservatives have 6,966; the Liberals, 4,656, and the New Democratic Party, 344.

**Mr. Mancini:** Mr. Speaker, on a point of privilege: The Minister of Revenue should have mentioned that they have spent close to \$150,000 on the campaign in that riding.

**Hon. Mr. Gregory:** Mr. Speaker, further to that point of privilege, I think the honourable member will have to wait until results are published, which they will be, before he makes such a statement.

**Ms. Copps:** Mr. Speaker, on a point of privilege: The honourable member should wait until all the results are published before he makes any statement.

**Mr. J. M. Johnson:** Want to take a bet?

**Mr. Speaker:** This is developing into a debate.

**Ms. Copps:** Wait until the last. I think the member should know I once lost by 14 votes. One can never be sure in any of these things.

**Hon. Mr. Gregory:** I know that.

**Ms. Copps:** It is not over yet.

**Hon. Mr. Gregory:** That is right, Mr. Speaker. We will keep you informed, though.

**Mr. Speaker:** I am afraid we may get charged for operating illegally.

## EMPLOYMENT STANDARDS AMENDMENT ACT

Hon. Mr. Ramsay moved second reading of Bill 141, An Act to amend the Employment Standards Act.

**Hon. Mr. Ramsay:** Mr. Speaker, as I said in introducing this bill, these amendments relating to equal pay, pregnancy leave and adoption leave are part of the government's program of initiatives that are of particular benefit for working women in Ontario. This program has its roots in our long and honourable tradition of

promoting the rights of working women through legislation and special programs.

While there can be no doubt that our initiatives have resulted in significant steps towards the goal of equality for working women, there are still a number of problems that need to be addressed. Some of these are appropriate subjects for legislation and are included in the bill before the House tonight. In the past few years the issue of equal pay has received considerable attention. That a significant gap exists between the wages of women and men is indisputable. However, there are differing views as to the solution.

As members know, the largest part of the wage gap can be accounted for by nondiscriminatory labour market factors. Of a gap of 37 per cent between the wages of women and men in the private sector, the ministry's best advice is that approximately one half is caused by structural factors such as differing occupations in industries, education and training levels, experience and so on. For example, wage levels are higher in the predominantly male construction industry than in the service sector. That is why I stated, when introducing the bill last week, that the wage gap could not be closed by pay legislation alone and that the most significant change would be seen as female labour force participation rates, particularly in nontraditional jobs, continuing to increase.

The second main element in the wage gap is attributable to differences within broad occupational groups. Occupational segregation is estimated to account for about one third of the gap. In my view, the best solution to this problem is to continue to work to change attitudes and employment practices. We need to maintain our efforts to change the attitudes of employers, employees and students to ensure the rate of movement by women into management and professional and technical jobs accelerates, and that the number and proportion of women receiving training in nontraditional occupations continues to increase.

It is especially important now as new technologies change the nature of work to ensure that women have access to training and employment opportunities. Therefore, several cabinet

colleagues and I will participate in a series of consultations to be held throughout the province during the next few months. The project organized by the Ontario women's directorate and entitled, *Jobs for the Future: Women, Training and Technology*, is designed to generate practical community-based strategies to promote the equal access of women to emerging areas of employment.

The significant effect that affirmative action programs can have on the wage gap is demonstrated by the continuing progress that is being made in the Ontario public service. I note, for example, that since 1978 the number of women has increased in 80 per cent of the employment groups in which they were underrepresented and that the latest report of the women crown employees' office shows the wage gap in the public sector has narrowed by 2.2 per cent in the last year to 24.2 per cent.

Although there is still some distance to go, I suggest the steady improvement is on account of the government's continuing efforts to encourage and facilitate the movement of women into nontraditional jobs.

Mr. Speaker, I am getting great attention from the opposition benches but none from my own, I am afraid.

**Mr. Foulds:** And it is your own minister.

**Mr. Speaker:** Order. The Minister of Labour would like somebody to pay attention to him.

**Mr. Foulds:** Hear, hear.

**Mr. Speaker:** He mentioned the members who were sitting behind him.

**Hon. Mr. Ramsay:** Thank you, Mr. Speaker. As honourable members know, a review of the government's initiatives in the area of affirmative action is currently being co-ordinated by the Ontario women's directorate. I expect the Deputy Premier (Mr. Welch) will be making some announcements in this regard in the new year.

The remaining wage gap of five to 10 per cent appears to be because of inequities and inequalities in wage and salary practices within defined occupations within establishments. It is this portion of the gap that is most appropriately addressed through equal pay legislation.

As the members are aware, the Employment Standards Act currently provides for equal pay for substantially the same work. In determining whether the jobs being compared are substantially the same, the legislation requires four factors—skill, effort, responsibility and working conditions—to be separately assessed. Unless

all factors are individually comparable, the act does not apply, even though the jobs may be similar overall. As a result, the current provision is inapplicable to some valid comparisons.

The re-enactment I am proposing provides that the basis for determining equality of work be broadened to allow a composite evaluation of the four existing criteria, while continuing the requirement that the jobs compared be substantially the same. The amendment applies the equal test to jobs which are capable of meaningful comparison. I believe this is a significant and responsible move to take at this time and I intend to continue to monitor the situation following the amendment to assess its effectiveness in addressing the wage gap problem.

**8:10 p.m.**

Experience has also revealed some technical problems with the present equal pay provisions that have led to the circumvention of the act by some employers. I do not wish to be misunderstood in suggesting that such practices have been widespread, but the possibility for abuse does exist, and I believe the bill will rectify the situation.

It has come to my attention, for example, that the law may be avoided by hiring a female employee to replace a male employee and paying the female employee a lower rate for the same job. In that situation, since there is no basis for comparison, there being only one occupant in the particular job classification, the existing law does not apply, although the offence might be obvious. Equally, the existing provision may be circumvented by deliberately restricting jobs to employees of one sex, who are then paid at a lesser rate of pay than when males and females were performing the same work. Both these practices are prohibited by the proposed subsection 33(2).

The second set of amendments contained in the bill relates to the pregnancy leave provisions of the Employment Standards Act. As members know, the qualifying period for entitlement to pregnancy leave is 63 weeks. I believe it is fair to require a qualifying period in recognition of the fact that many employers have a probationary period to assess new employees. On the other hand, I agree with the argument that the length of the present qualifying period should be shortened. To address these concerns, the bill reduces the qualifying period to 52 weeks.

At the present time an employee may return to work before the expiry of the 17-week pregnancy leave to which she is entitled under the act only if her employer consents. Given



that pregnancy leave is unpaid, this provision may operate to the disadvantage of an employee who is fit and able to return to work before the end of the statutory leave period. Accordingly, the proposed subsection 36(4) provides that an employee may return to work with her employer's consent or upon giving her employer four weeks' notice.

The act currently guarantees 17 weeks' leave for pregnant employees, subject to certain qualifying conditions. However, there is nothing explicit in the act to prohibit the dismissal or demotion of pregnant employees who have not yet become eligible for pregnancy leave or who have returned from such leave. On the basis of inquiries received by the employment standards branch and the Ontario Human Rights Commission, there are grounds for concern that dismissals or demotions in the pre- or post-pregnancy period may be occurring solely on the basis of the fact of pregnancy. This, of course, is unacceptable, and the proposed subsection 35(2) prohibits an employer from terminating, laying off or penalizing an employee because of pregnancy.

I might add that section 37a will protect employees who have less than 12 months' service by providing that a pregnant employee who does not qualify for the 17-week leave may not be required to return to work until six weeks after the birth of her child. This period of time is deemed to be a leave of absence under the act for purposes of rights to reinstatement.

In order to ensure that the prohibition against terminating or laying off a pregnant employee is not circumvented by the argument that such an employee is being penalized because of her illness rather than because she is pregnant, the proposed subsection 35(1) defines pregnancy to include a related medical condition that "renders an employee unable to perform the duties of her position or that materially affects the performance of her work."

With respect to reinstatement following a leave of absence for pregnancy, subsection 38(1) of the bill continues the requirement that the employer return the employee to her regular position or provide comparable work without loss of pay or benefits. In contrast to the current act, however, the bill provides that an employee's service-related credits and benefits shall continue to accrue during pregnancy leave for all purposes instead of being interrupted at the time of the commencement of her leave of absence.

I now turn to the provisions concerning

adoption leave. As I mentioned when introducing this bill, I have received a number of letters concerning workers who are encountering difficulty in obtaining leaves of absence from their jobs when they elect to adopt a child. Since a period of time at home with the child is a requirement imposed by adoption authorities, such workers are placed in an untenable position.

To remedy this situation, the bill provides for an entitlement to a leave of absence of 17 weeks from the time the child is placed with the employee. In this connection, I note that as of January 1, 1984, workers taking leave for purposes of adoption will be eligible for benefits under the Employment Standards act, as is now the case for those on maternity leave.

In keeping with the corresponding sections relating to pregnancy leave, the same rights to reinstatement, subsection 38(2), and job security, subsection 37b(5), apply in the case of adoption leave. The same 52-week qualifying employment period is required, subsection 37b(2), and the leave of absence may be shortened with the consent of the employer or upon the employee providing four weeks' notice, subsection 37b(3).

Finally, I would like to refer to work under way in my ministry to strengthen the protection afforded to domestic workers. I shall be amending the employment standards regulations to provide additional duty-free time for live-in domestic employees to reflect the prevailing practice of two days' free time per week. Moreover, as the members know, a review is being conducted of the other provisions of the Employment Standards Act and regulations relating to domestic workers to ensure their adequacy and fairness.

In conclusion, let me say I believe the bill before the House will significantly improve the legal rights of women in the work place. It is a progressive piece of legislation that I believe deserves all-party support and I look forward to hearing the comments of the other members of the House.

Incidentally, before I take my seat, I do have to leave the House for only a very few short moments. That is not intended as any lack of respect for the speakers who will follow. I will be back just as soon as I can.

**Hon. Mr. Gregory:** Mr. Speaker, on a point of privilege: I have some of the results from Stormont, Dundas and Glengarry. Out of 118 polls, 83 reporting, 13,789 votes cast: Progress-

sive Conservative, 8,033; Liberal, 5,262; NDP, 426; independent, 68.

**Mr. Rotenberg:** We won all three counties.

**Hon. Mr. Brandt:** There is a message in that.

**Mr. Kerrio:** You are getting it down. That is only \$22 a vote.

**Mr. Mancini:** Mr. Speaker, I would like to make a few comments concerning Bill 141. The issue of equal pay for work of equal value has been a long-standing issue in Ontario.

**Mr. Bradley:** You are so gracious when you are winning.

**Hon. Mr. Gregory:** I have never had any experience at losing.

**Mr. Speaker:** Order.

**Mr. Mancini:** During the 1970s this matter was used as an issue that should be addressed, and as late as this past October 20 my colleague the member for Hamilton Centre (Ms. Copps) introduced a resolution on equal pay for work of equal value. That resolution was debated here in the Legislature. The resolution asked that the principle of equal pay for work of equal value be enshrined into the Employment Standards Act. If my memory serves me correctly, there was a unanimous vote of consent on that resolution. All members who were here that evening stood in their places and voted in favour of the resolution presented by the member for Hamilton Centre.

**8:20 p.m.**

We, therefore, have waited anxiously for the government to introduce the legislation that would place into law a statement, a principle that was supported unanimously by its caucus. Since it is the Christmas season and since the Minister of Labour is a decent sort of chap, we will not go into a lot of hyperbole tonight. We will just say that the legislation which has been put before us does not encompass the principle of equal pay for work of equal value. There are several reasons for that.

Before I get into that, I believe I should put on the record that several of the amendments the minister referred to in his opening remarks are indeed progressive steps forward; they do make the legislation better than it was.

Getting back to the principle of equal pay for work of equal value, the government has let working women in Ontario down. The Minister of Labour and the Conservative members know very well that society and the marketplace place less value on the role of women and on the work

that women do. This has been the way things have been historically, for whatever reasons.

I guess we could talk for hours and hours on why these conditions are such, but that is not the issue tonight. The issue tonight is to acknowledge that society does place less value on the role of women and on the work women do, and to address that issue.

This is what we thought the Minister of Labour was going to do in introducing his amendments to the Employment Standards Act. As I said earlier, he has let the working women of Ontario down. Let me give an example of the area in which a great number of women will not benefit from the amendments that have been put forward by the minister.

I would like to read to the Legislature an article written by Margot Trevelyan. The article is headed "The Concept of Equal Pay for Work of Equal Value." This article provides a simple example of what equal value can do to the wage gap. It gives an example of certain technical workers who have a different pay scale from certain clerical workers.

"The technical workers are in one bargaining unit and are practically all men. The clerical workers are in another bargaining unit and are mostly women. All but a few of the men who are in the clerical unit find themselves towards the top of the salary scale.

"Let us now suppose there was a law calling for equal pay for work of equal value. A typist earning \$2.15 an hour feels she should get paid the same as the mail clerk, who is earning \$3.29 an hour. A union officer or a government inspector comes in and compares the two jobs according to the degree of skill, effort, responsibility and working conditions of each.

"He decides that the typist needs to know typing and other skills, whereas the mail clerk can be taught his job in a couple of days; so on a scale of 10 he gives the typist eight and the mail clerk two.

"When looking at effort, the officer decides that the mail clerk has to go up and down stairs, carrying bags of mail. For the physical effort, the officer gives the mail clerk a five. However, he decides that a lot of mental effort is exerted by the typist in trying to meet deadlines and so on. He also gives her five points for effort.

"The officer then finds the mail clerk has a good deal of responsibility in making sure that no important mail is lost, whereas the responsibility of the typist is less. For responsibility, the mail clerk gets seven and the typist four.

"In looking at working conditions, the officer



gives them each five. The mail clerk works in a stuffy mailroom all day, but the typist must remain seated during the day, an occupational health hazard, as sedentary workers, those who sit all day, run six times the risk of a heart attack as other workers.

"When the equal pay officer has finished his examination, he finds that the mail clerk has an overall rating of 19 and the typist one of 22. Let us also say that the officer has a standing rule that says if the total points for the two jobs are within three points of each other, they will be considered to be of equal value. The jobs of the mail clerk and the typist are then of equal value in this establishment."

The amendments put forward and the composite evaluation that was going to be used by the ministry will in no way have any effect on the particular situation I described. Therefore, because women have been geared to certain job areas and because they form the majority in those job areas, they will be unable to have their skills, effort, responsibility and working conditions evaluated along with areas in which men predominate in the work force; and I gave an example just a couple of minutes ago. Therefore, we will not have equal pay for work of equal value.

Yes, the present legislation has been bolstered somewhat; but no, the principle of equal pay for work of equal value has not been enshrined in law.

The last time I checked the salaries of women working in banks, I found that their salaries, compared to those for positions held by men in an office atmosphere, were significantly less. I dare say that if the work force in the banks was mostly men, the wage scale paid to tellers and other clerical staff within the banks probably would go up by at least 30 to 40 per cent.

This past summer, when my father and I travelled to Italy, I was quite surprised to see that in the Italian banks it was strictly a male work force. In hardly any bank I went into—and I had to go into some banks to cash my American Express travellers' cheques, as one can imagine—

**Mr. Roy:** You must have gone into a lot of banks.

**Mr. Mancini:** Three. I must confess I went into three different banks, and there was not a woman to be found. I talked to my uncle about this. I said, "Why are there no women working in the banks?" He said, "Banks have the best jobs and the highest-paying jobs."

8:30 p.m.

We can see that society will always pay more for a man doing the same work if that job is dominated by males, and that is where the Minister of Labour has let the working women of Ontario down. If we wait for evolution to take its course, we are going to be waiting for another 100 years before we finally get equal pay for work of equal value.

Ontario women earn 63 per cent of what men earn, on average \$8,623 a year less than men. According to Statistics Canada, the average income of a female-headed family in Ontario in 1981 was \$19,512; the average income of a male-headed family in Ontario in 1981 was \$33,597. Despite Ontario's equal pay laws, the wage gap between men and women currently runs at 40 per cent and is not shrinking.

With all due respect to the minister, I have to conclude by saying that while the legislation is progress and it does improve certain areas, he has not attacked the basic problem, which will remain with us until something is done about it.

My colleagues are going to propose two amendments. We will propose an amendment to subsection 33(1) and we will propose an amendment to subsection 36(1). I should inform the House that my colleagues and I will not be supporting this legislation.

**Ms. Bryden:** Mr. Speaker, on October 20 the Legislature voted unanimously that the principle of equal pay for work of equal value be enshrined in the Employment Standards Act. The Minister of Labour was one of the 82 members in the House at that time who supported this motion. The Minister responsible for Women's Issues (Mr. Welch) also supported it.

On December 5, the amendments to the equal pay provisions in the Employment Standards Act, which the Minister of Labour had been promising us for two or three years, were unveiled. In my opinion, the changes proposed for the equal pay section are a flat repudiation of the principle of equal pay for work of equal value which all those members voted for.

I draw to the minister's attention the fact that Canada ratified the Convention 100 of International Labour Organization in 1972, and the provinces are expected to carry out their constitutional share of the implementation of such a ratification. This is 1983, almost 1984, and Ontario has not fulfilled its responsibilities in regard to that convention, which sets out the goals and objectives for equal remuneration for men and women workers for work of equal value.

Under the present law, a woman can claim



equal pay only if she is doing substantially the same kind of work as a man in the same establishment and if the jobs are comparable on each of the four criteria used to evaluate the job, namely, skill, effort, responsibility and working conditions. The only change the minister is making in his amendment is to substitute a composite of the four criteria for evaluating comparability. In other words, not every criterion need be comparable; a composite index of the four is sufficient.

In his statement to the House when he introduced the bill, the minister said it will mean the Employment Standards Act will provide equal pay for work of equal value between substantially similar jobs. That begs the question. The huge wage gap between men and women in Ontario, or anywhere, will not be closed until dissimilar jobs can be compared.

The proposed amendment will not cover the thousands of women in job ghettos where there are no men doing substantially the same work. Nor will it permit the comparison of dissimilar jobs being done by men and women in the same establishment, even though these jobs may be equal when the four criteria are applied and even though the work in question may be found to be of equal value on that basis. These jobs will not be eligible for comparison.

The only women who may benefit from these amendments are the few already covered by the present law. It is true that they may find it marginally easier to substantiate a claim that they are doing substantially the same job as men in their work place.

Recent statistics under the present law indicate it is not doing anything significant to close the wage gap of 37 percentage points in Ontario. In 1981-82, awards totalled about \$330,000 and covered 666 women. This works out to only \$500 per employee or to less than 20 per cent per woman employee in the work force in Ontario. Only 25 per cent of the claims submitted in recent years were found to be covered by our narrow equal pay law.

The minister, in his statement to the Legislature, revealed what appears to be his utter surrender to the opponents of equal pay for work of equal value in the cabinet. He asserted that the amendments he was bringing in were "a significant and responsible move to address the wage gap problem. It applies the equal value test to jobs which are capable of meaningful comparison."

If the minister is still not prepared to accept that a meaningful comparisons of dissimilar jobs

in the same establishment can be made, he should look at the federal and Quebec governments, which have been doing just that for some years under their equal pay for work of equal value laws.

Let me quote from a letter from the deputy chief commissioner of the federal human rights commission as to how the equal pay for work of equal value law is working after five years. She said:

"The commission has employed for most of the time since 1978"—

**Hon. Mr. Gregory:** I rise on a point of privilege, Mr. Speaker, with my apologies to the member. I thought the members might like to know the news from the by-election. With 100 out of 118 polls reporting, the total vote is 16,277; Progressive Conservatives, 9,432; Liberals, 6,265; New Democrats, 500, and the independent, 80.

8:40 p.m.

**Ms. Bryden:** Thank you. The member for Mississauga East (Mr. Gregory) did me a favour. I left out the first sentence of my quote; so I will start it over again. I am quoting from the letter of Mme Rita Cadieux to me regarding the operation of the federal administration of the equal pay section in the Canadian Human Rights Act.

She says: "At the present time, the commission has 27 investigators, any of whom may be assigned to investigate an equal pay complaint. Given the technical nature of these complaints, the commission has employed for most of the time since 1978 two equal pay specialists. These specialists assist investigators in the collection, analysis and evaluation of data and in the development of settlement proposals.

"The equal pay specialists also provide a consultative service for employers, employees and interest groups and are involved in the development of policy and procedures relating to section 11," which is the equal pay section, "of the Canadian Human Rights Act."

She gives the results in the five years since the act has been in operation. "Sixty complaints alleging violations of the equal pay provisions of the act have been filed since March 1, 1978. To date, there have been nine settlements directly benefiting approximately 4,600 employees.

"Voluntary settlements have increased the wages of a further 1,300 persons. The cost of these settlements has been in excess of \$20 million in retroactive payments and an estimated \$12 million per annum in ongoing costs.

There are 28 complaints under investigation at this time and 23 complaints have been dismissed or withdrawn during investigation."

This shows that meaningful comparisons can be made. I have sat down with one of those two equal pay specialists on the federal staff and learned from them the techniques they are using and the ways they are evaluating jobs. They start with the present job evaluation system in effect in the work place, if there is one. Then they look for sex bias in the criteria that are applied in that work evaluation. When that sex bias is removed, they have a new set of criteria for evaluating the jobs and whether they are equal in value.

The women in the province have been trying to tell the Minister of Labour, the cabinet and all the Conservative members who voted for the motion in favour of the principle that equal pay for work of equal value is seen as an integral part of the fight for equality in employment. They all agree there must be a package of measures, as Morley Gunderson and the minister have said.

That package must include legislated affirmative action, skills training programs, adequate day care and other support services if women are to move up the economic ladder and into nontraditional jobs. Without equal pay for work of equal value, we will not move them out of the ghettos where there are mainly female employees and where it appears the minister and the government are trying to preserve a supply of cheap labour for the employers of this province.

If the minister still thinks we cannot afford to bring the wages of underpaid women up during the present recession, he is failing to recognize that equal value adjustments would be a shot in the arm to our faltering economy. Bringing underpaid women up to the level of people doing equal value work would stimulate the economy. It would probably increase profits for many employers. It would certainly be more productive than incentive grants to employers to expand their operations. Employers are showing by their reaction to incentive grants that they are not prepared to move, to invest or to expand until they see a market for their products.

If 52 per cent of the population is made up of women and a great many of them are in underpaid jobs because of our lack of proper equal value legislation, the funds that would flow to them would be a great stimulus to the economy. As for the fear that some men may have that equal pay for work of equal value legislation would threaten their position in the

labour market, I think the expansion that would come from the economic stimulation of bringing wages up to a fair share for both sexes would increase jobs for both men and women. That is something a lot of people have not been looking at.

In fact, under the federal equal pay law, a considerable number of men have benefited from the application of that law because they were in groups which were brought up to the level of groups doing dissimilar work, but which was judged to be work of equal value when the criteria were applied. There was a substantial settlement under the Ottawa law, where 3,000 food, laundry and general service workers, two thirds of whom were women but one third of whom were men, received approximately \$17 million in adjustments when their wages were compared with other subgroups, mostly male, in the public service.

We consider the equal pay section of the bill completely unacceptable and it should be replaced with a section similar to the one which was in Bill 108, which was introduced by my leader the member for York South (Mr. Rae) and debated in this House on November 17. When his bill came up, in spite of all the people, including the minister, who had voted for enshrining the principle of equal pay for work of equal value in the Employment Standards Act, it was defeated, with the Minister of Labour voting against it. The Minister responsible for Women's Issues (Mr. Welch) was not present for the vote.

There are some very good amendments in the package the minister has introduced. The improvements in the maternity leave are welcome. I think the objective under maternity law should be to put women who fulfil their biological role in producing the next generation in the same position economically as if they had not stayed off for maternity leave. We think a woman should not be disadvantaged by fulfilling her child-bearing role. I am also glad the minister has at last made it an offence for an employer to fire an employee because of pregnancy.

**8:50 p.m.**

I am somewhat concerned about one item in the bill, subsection 35(3), which authorizes the employer to require an employee to take leave for pregnancy when he thinks she is unable to perform her job rather than to take it at her own choice within the period allowed.

I think in situations where the employer has concern about whether she can perform the job, or whether the job is of such a nature that it may



expose her to dangers to the foetus or to her own health, there should be some sort of right of appeal by the employee or the possibility of transfer to a less onerous job or a job that will not expose her to things that might be a danger to the foetus. That has been suggested for video display terminal workers who may be subject to hazards from the terminals.

An alternative might be that if the employer makes a decision that she is not capable and should be asked to take her leave earlier, there should be the right for her to submit a report from her own doctor as to whether he agrees with that decision; the employer might have his physician also make an assessment and the two reports could be considered by, say, a third party or an employee-management committee or something of that sort. But I think there should be some opportunity for the employee not to be subject to an arbitrary demand by her employer that she leave at a certain date.

I also welcome the extension of pregnancy leave to adopting parents. I think the fact that the federal government is going to bring in payments for adopting parents similar to those now paid to natural parents is partly what prompted the ministry to bring in this section. It has been requested for a number of years, and it certainly seems reasonable that parents adopting children should have at least the same rights as parents having natural children.

I would like the minister to consider an amendment for a somewhat longer leave for adopting parents because of the fact that adoption causes a greater change in the adopting parents' lifestyle and in their household arrangements because it often happens very suddenly. They have not had the nine-month gestation period to prepare for it, they have to take the child when it is available because sometimes it is difficult to find a suitable child and also they may not have had other children in the household, as a lot of other parents have.

Another complication is that some children's aid societies require an adopting parent to stay home for the entire six-month probationary period. Sometimes this can be worked out by splitting the six months between the spouses: one will stay home for three months and the other for the next three months.

But I think the minister should consider some amendments to the extension of pregnancy leave to adopting parents because of these special circumstances. I do not think one could say it is discrimination against natural parents; it is simply a recognition of the additional burdens

and adjustments that must be made by an adopting couple. The legislation could perhaps ask the husband's employer to give a certain amount of leave, which could be added to whatever the woman's employer was prepared to give, to make up the six months that is required by many children's aid societies.

With regard to the general maternity leave section, another amendment that could be considered would be, in effect, to top up the present maternity leave benefits which come through the unemployment insurance system. Those benefits are paid for 15 weeks, but they average only about 60 per cent of wages. Some unions, such as the Canadian Union of Postal Workers, have successfully bargained for a supplement that raises those benefits to 93 per cent of wages. The Ontario Public Service Employees Union also got 93 per cent of wages through arbitration. The reason for 93 per cent is that certain deductions are not required when one is not working. In effect, that gives people about the same take-home pay as they would have had if they were working.

In Sweden, up to nine months' parental leave is given at 90 per cent pay, available to either parent. I think it is something the province could consider to provide some provincial supplement to the unemployment insurance benefit so that women who do fulfil their biological function in producing the next generation should not be worse off than those who do not. A recent federal task force recommended six months' paid parental leave for all parents, natural and adoptive. I think that is the coming thing. Perhaps when the federal legislation comes in, the province could bow out. In the meantime, it would be a very important measure in ensuring women's equality.

As to the treatment of domestics, the minister has promised to raise their time off from 36 hours to 48 hours. In other words, he is going to give them a five-day week, which most other workers have had for many years. That is welcome, but it is really not the answer to what can be real exploitation of this group of workers. The Employment Standards Act provisions relating to maximum weekly hours and overtime pay have not been extended to these workers. In fact, there is a regulation relating to the employment of domestic workers under the Employment Standards Act that denies them these provisions of the act. It is a discriminatory regulation that can produce slave labour in this province and it is something we should be ashamed of.



If we look at the fact that they have only 48 hours of guaranteed free time, that means they can be on duty or on call for 120 hours in the week. At their substandard minimum wage of \$3 an hour, if they work or are on call for those 120 hours they could be working for \$1 an hour. That is shocking and something we should be ashamed of. The only reason I can see for retaining it in the minister's policy is that he wants to provide cheap domestic help for his well-off friends or the well-off friends of the Conservative Party.

That is something akin to child labour, about which everybody backs off and says is unthinkable, but we do have slave labour for live-in domestics in some cases. There is no protection against it. That is my main complaint. Before this debate ends, I would like the minister to make a commitment that he will extend to this group of workers the provisions of the Employment Standards Act relating to maximum hours and overtime pay and that he will raise that miserable \$3-an-hour minimum wage.

9 p.m.

**Hon. Mr. Gregory:** Mr. Speaker, on a point of privilege: With my apologies to my honourable friend, this is the final result from 124 polls, that is, 118 polls plus six advance polls. The Progressive Conservatives have 9,980 votes, for 58.8 per cent of the vote; the Liberals have 6,389, for 37.6 per cent; and the New Democrats have 505, for 2.9 per cent.

**The Deputy Speaker:** The member's point of order is interesting but not in order.

The member for Beaches-Woodbine is about to conclude her remarks on the bill, not on the Unemployment Insurance Commission and some of the other matters but on the bill, I understand.

Interjections.

**The Deputy Speaker:** Order.

**Ms. Bryden:** Mr. Speaker, regarding the domestics and the lack of any real protection for them in these amendments outside of the five-day week, the minister did say he would be reviewing the other provisions of the Employment Standards Act and regulations relating to this group of workers "to ensure their adequacy and fairness." I hope I have convinced the minister that they are grossly unfair, that he will extend his promise of increasing the minimum wage for other workers to these workers and that he will perhaps do it soon enough to make it a Christmas present for them.

There are some of the areas where we will probably bring in amendments, particularly to

change the equal pay sections to something that will really produce equal pay for work of equal value and will ensure not only that the bill contains these good things I have mentioned, which do close some of the loopholes and do protect workers in some areas where there has been a bypassing of the legislation, but that it will also become an act that does really enshrine in the Employment Standards Act the principle of equal pay for work of equal value. At the present moment, I think it enshrines unequal work in the Employment Standards Act.

**Ms. Coppins:** Mr. Speaker, I am depressed tonight for more reasons than one. One of the reasons is obvious, and that reason was outlined in the point of privilege raised by the member for Mississauga East (Mr. Gregory)—

**The Deputy Speaker:** He thought he had a point of order, but he did not.

**Ms. Coppins:** —a point of privilege that was overruled. The other reason I am depressed is that the government has the audacity and the hypocrisy to bring in this legislation and to expect it is going to satisfy the women of Ontario. I cannot believe this is the same government and the same Legislature that on October 20 voted unanimously to enshrine the principle of equal pay for work of equal value in the Employment Standards Act.

Make no mistake about it. The government of Ontario, through this legislation, is attempting to perpetrate a sham on the voters of Ontario. I think it would have been more incumbent on them to say they deny the principle, that they do not support the principle, and to have voted against enshrinement on October 20. It is ridiculous for them, on the one hand, to speak out in favour of the bill on October 20 and, on the other hand, to come forward with this flimsy piece of legislation, which does not even deal with the principle of equal value. I would have thought they would have a greater understanding of the voters of Ontario and of the women of Ontario and that they would have recognized we would not be taken in by this kind of sham.

M. le Président, je suis déprimée de deux façons. Une façon, c'est évident, qu'on a pas obtenu la victoire qu'on a voulu à Stormont, Dundas et Glengarry. Mais l'autre raison pour laquelle je suis désolée, c'est parce que le gouvernement ontarien, ce grand gouvernement conservateur, qui justement il y a un mois a parlé dans la législature de dévouer tous ses efforts pour améliorer la situation des femmes et promet, le 20 octobre, qu'il allait appuyer la

loi en faveur du principe de salaires égaux pour un travail de même valeur. Mais ce qui arrive, c'est qu'ils viennent avec une espèce d'hyprocrisie totale, et je pense que les femmes de l'Ontario ne vont pas l'accepter. Si, eux, ils pensent que les femmes de l'Ontario sont d'accord avec cette législation, ils ont autre chose à y penser.

I would like to quote from some of the statements that were made by the Minister responsible for Women's Issues (Mr. Welch) who has not even shown up here in the Legislature tonight to discuss the issue. He said:

"The resolution we have before us this afternoon presents a further opportunity for this House to continue the commitment by Ontario to dynamic principles of equal opportunity, principles that reflect achievements gained and present circumstances, not to overlook future objectives. It is with this established pattern of successful, staged progress that we will support this resolution.

"Once again, consistent with the tried and understood practice of the past, we will move forward by the introduction of additional legislation stages based on sound, workable improvements to be seen, therefore—if I can put it this way—as staged progress to a stated goal."

In fact, when the members on the government side of the House voted for my resolution on October 20, they were perpetrating a dishonesty and an untruth upon the people of Ontario because, as of that moment, they had no intention of introducing legislation that would enshrine the principle of equal value.

I am sorry, but when the minister stands up and says one half of the gap in the average wages earned by men and women in this province is caused by market factors, it still leaves us with a gap of 18½ cents. If by the principle of equal value legislation, the women of Ontario were able to move even five cents or 10 cents towards equality so that they have an equal opportunity to compete in the marketplace, I would suspect, they would embrace that legislation.

Instead, the government has totally dismissed the notion of equal value. For them to present this piece of legislation, to pretend and hide behind an addendum to a law that was brought in in 1952 and has proven itself to be unworkable in closing the wage gap between the women and the men of Ontario, is simply unacceptable.

During the last couple of months, we have had a number of pages with us here in the Legislature. A number of those young women pages have talked with me about some of the hopes and the desires they have for their future.

I had hoped for and I had asked the government to give a Christmas present to the women of Ontario by saying in that regard it was going to bring in true equal value legislation that would at least be a start in closing the wage gap between men and women. It would degenderize the present inequities that exist within the system, which have been accepted by all parties.

Instead, this government has attempted to bring in changes in the present law that do not even incorporate the notion of comparisons between dissimilar jobs. My colleague the member for Essex South (Mr. Mancini) commented earlier that he feels the Minister of Labour is a "decent chap." I think that is very true and I appreciate the concerns he has genuinely expressed inside and outside of this House about the working people of Ontario.

I would have thought, however, if the minister was really sincere about bringing in equal value legislation, he would have stood firm in cabinet and made sure the government of Ontario attempted to respond to a ground swell that is not coming from political parties. It is not coming just from the Liberal Party and it is not coming just from the New Democratic Party. It is coming from the men and women across this province who recognize the principle of justice and equality for all and who recognize that to have gender as one of the determining factors in salary in 1983 and coming on to 1984 is simply unacceptable.

**9:10 p.m.**

The minister knows full well that the only way to degenderize salaries in Ontario is to bring in equal value legislation. Instead, he has chosen to hide behind a poor facsimile of the legislation as we presented it. Frankly, I believe, and the members of my party believe, that without accepting the amendments we are going to be presenting here in the Legislature, this particular piece of legislation—and I hesitate to use this word because it has gender connotations—emasculates all of the work that has been done by all sides of the House on this issue.

Mr. Speaker, I cannot tell you how disappointed I am in this government. I understand that the Minister responsible for Women's Issues has concentrated on the notion of staged progress, but I want to ask him and the members on the government side, do they not think that waiting since 1952 for equal value legislation has been staged enough?

We have been waiting for more than 30 years and, frankly, the legislation as introduced by the minister is completely and totally unacceptable.



To support it in its present form would be to support a fraud upon the women of Ontario, who I believe are intelligent enough to recognize this particular piece of legislation is a sham on the voters of Ontario. It does nothing to introduce the equal value principle we all lauded on October 20. Either the minister supported the enshrinement on October 20 or he supports this poor facsimile; he cannot have it both ways. The people of Ontario recognize the fraud the government is trying to perpetrate in the form of this particular legislation.

If the member for Prince Edward-Lennox (Mr. J. A. Taylor) believes the legislation should be withdrawn, then he has probably spoken the only true word that will be spoken on the government side tonight about this issue. The piece of legislation before us does nothing to deal with all the hallowed promises given to us prior to, on and following October 20.

I think the only honest thing for the government to do at this particular juncture would be to withdraw this legislation and bring in legislation which addresses the real and critical problem, which addresses the notion of comparison of dissimilar jobs within the same company and which commits the government to doing what it promised to do on October 20, that is, enshrine in law the principle of equal pay for work of equal value.

M. le Président, sans avoir ces amendements, les amendements que nous, le Parti libéral, avons présenté, ce projet de loi ne sera accepté ni par les femmes ni par ceux qui travaillent pour l'égalité des salaires et pour l'égalité d'opportunité de tous les gens de l'Ontario. Mon Parti et moi-même sommes désolés aussi bien par les récentes élections que par les projets de loi que ce gouvernement a essayé de faire accepter par le peuple de l'Ontario. Le peuple de l'Ontario n'est pas si ignorant des faits pour être inconscient de ce qui est fait par ce gouvernement.

We reiterate that we are very sorry this legislation has come forward because it has perpetrated a sham on the voters of Ontario. It has perpetrated a fraud on the women of Ontario, and our party has no choice but to reject this particular bill as long as it stands in its present form.

I would urge the members on the government side of the House to recognize the promise they made on October 20 and to stand in their places and vote with us on the pertinent amendment, to make this bill what it was intended to be when we all stood and voted for it on October 20.

Without that, the members are totally denying to the women of Ontario the opportunity of seeking equal employment opportunities in this province. Entering into 1984, it is a situation that is completely unacceptable and one that not even this government can get away with.

**Mr. Mackenzie:** Mr. Speaker, I rise to oppose the bill as it stands. I think it is a sad answer to the problem out there in the community. I do not think we need to reiterate some of the differences, but I recalled and was able to find a clipping I had picked out of the paper about a year ago. It talked about comparing two or three jobs.

One of them I quote is as follows: "Barb Marquette hunches over her sewing machine, her hands carefully manoeuvring a three-by-four-foot sheet of brown vinyl, soon to be the door lining of a Wagoneer Jeep, under the racing needle. She and 304 other sewers at the Canadian Fabricated Products plant here, all women, earn \$9.57 an hour. Once the whistle blows and Marquette heads home, Cliff Porter hauls out his push broom and sweeps up the scraps left behind by the sewers. He and five other sweepers, all men, earn \$9.81 an hour, 24 cents more than the sewers."

It is not an overwhelming difference, as it goes on to say, but I think it helps to make the point. "Wayne Sheppard makes \$8.71 an hour as a groundskeeper." This is at Metro's York University. "There is no minimum education requirement for his job, although now the university demands that new groundskeepers have related experience. Sheppard had none when he joined the staff 11 years ago.

"Janet DeWilde and Carmela Triola are both grade 3 clerks earning \$8.10 an hour, about \$21 less than Sheppard for a 35-hour week. To get their jobs, they needed a grade 12 education with secretarial training and typing speeds of 50 to 60 words a minute."

Those cases are probably mild compared to some we could put on the record, but they point up the fact that the work to be done should not be based on a person's sex, but certainly on the job and its price, the wage to be paid.

The composite test amendment does not give us the answer the minister is talking about in this legislation. The only things I can really have anything kind to say about are the maternity leave changes and the adopting parents provisions in the bill. They are welcome and we agree with them. They are points and moves that are long overdue and are useful to have. But to add those to the total lack of action on equal pay for



work of equal value and try to use them to sell this inadequate bill is not right.

Even the labour market factors that people are concerned about would disappear if we had equal pay for work of equal value and did not have the women ghettoized into some of the jobs that pay less in salaries. If we got rid of this inequality in our wage patterns today, we would have men bidding for many of the jobs women now hold and we would have women moving into some of the other higher-paid jobs much more quickly. I think there are some false perceptions of the problems we might have in terms of equal pay for work of equal value.

It seems to me it is a bit sad and it certainly disturbs me to have this House back on October 20 vote unanimously for a resolution, and I say that pointedly, a resolution calling for equal pay for work of equal value. I do not agree with the previous speaker that all kinds of hallowed promises were made. I think they were simply given the opportunity.

I have made the same mistake, and I think the resolution was a mistake, with improvements in the private pension plans. I did it and got pretty general support some three or four years ago. We are still waiting for action on those minimum improvements in private pensions in Ontario. I think when that resolution was moved—and it may be a cynical observation—because it was a resolution and because this is an issue for which the time has come in Ontario, it was easy for the government and all members of this House to vote for that resolution.

If some people think I am being a little harsh, I remind them it was only a matter of weeks later when we had an actual private member's bill moved by the leader of my party that set out equal pay for work of equal value legislation. What happened? All of a sudden, every voter across the way who just two or three weeks earlier had voted for a resolution stood up and voted against the bill. I might say I think the member for Hamilton Centre (Ms. Copps) had trouble keeping some of her colleagues in. There was a stampede of a good many Liberal members out of the House as well when that bill was voted on.

The point I am making is that it is one thing—

**Mr. Kerrio:** That is a lot of baloney.

9:20 p.m.

**Mr. Mackenzie:** That is exactly what happened and the member knows it. It is one thing to put up a principle that then frees the government and members of this House to go out in the

next election and say, "Hey, we voted for that principle." But they sure as blazes did not vote for it when it was a bill and the government set out the provisions of equal pay for work of equal value.

**Mr. Kerrio:** He knows better than that. Nobody stampeded out of the House. We voted for it.

**Mr. Mackenzie:** The member for Niagara Falls has his turn coming. He probably would not vote for it anyhow.

**Mr. Kerrio:** I certainly did. I voted for it and that is why I am angry about what the member is saying.

**Mr. Mackenzie:** Good. If he is angry, then I am glad.

**Mr. Kerrio:** It is not true what the member is saying. It is a lie.

**Mr. Speaker:** Order.

**Mr. Foulds:** On a point of privilege, Mr. Speaker: The member did use unparliamentary language. I think the word "lie" is not acceptable in the Legislature.

**Mr. Mackenzie:** I really do not expect anything more than that from him.

**The Acting Speaker (Mr. Cousens):** I did not hear that. Who is it the honourable member is directing his attention to?

**Mr. Foulds:** The member for Niagara Falls.

**The Acting Speaker:** The member for Niagara Falls has been accused. Is there anything unparliamentary that has happened here that I should have paid attention to?

**Mr. Stokes:** You should pay attention to everything, Mr. Speaker.

**Mr. Kerrio:** Mr. Speaker, I said the gentleman lied. He told an untruth. I retract the word "lie."

**The Acting Speaker:** I thank the member. I will now call upon the member for Hamilton East to continue.

**Mr. Mackenzie:** I recall the member for Hamilton Centre having to chase after some of her colleagues who were leaving the House in a hurry when that vote was coming up. It is interesting that it sometimes seems to hurt when the truth is out in this House.

**Mr. Kerrio:** The truth is I voted for the bill. That is the truth. My mike is off. Why did they turn it off?

**An hon. member:** Is the member a little sensitive?

**Mr. Mackenzie:** Yes, he is very sensitive, I think.

**Mr. Kerrio:** Sure, I am sensitive.

**Mr. Wrye:** If I got two per cent of the vote, I would be sensitive, too.

**Mr. Mackenzie:** I thought that was one his party was going to win.

**Mr. Wrye:** At least I didn't lose two thirds of my vote.

**Mr. Bradley:** Right off the bat.

**The Acting Speaker:** Order. The member will speak to the motion.

**Mr. Bradley:** If Jim Renwick had not gone down there, you wouldn't have any.

**Mr. Mancini:** Our 39 per cent of the vote is a lot different from 2.9 per cent.

**The Acting Speaker:** Order.

**Mr. Mackenzie:** They are really bothered about something down there tonight, I guess.

**An hon. member:** The boys are restless.

**Mr. Mackenzie:** I can recall their party losing their ex-leader's seat where they did not do very well.

There is another issue here that bothers me personally. It is simply that we have before us a bill that involves a total switch on the part of the government from the resolution that was before this House not too many weeks ago. It makes one really wonder at the integrity of the government's position.

We also have a bill the government brought in on December 6 or December 7, whatever the date was. With the House due to adjourn on December 16, the bill worked its way up so that we are ready to deal with it with about three or four days to go in this House. Then we were told that either the bill goes through or it will be withdrawn. It would not hurt me. I hate to lose the maternity leave provision and the adopting parents provision, but when the bill is a farce and when the bill does not deal with the issue of equal pay for work of equal value, which is the essential ingredient of legislation to bring fairness into the province right now, then I am not sure it really matters.

The bill is not one that meets with much favour with those people who have been fighting for a good many years for this kind of legislation. It is the height of arrogance then to be told it will be put through without sending it out to committee, without allowing those groups that have a concern to be heard—and there is a large number of important groups in our community that wish to have some input into just

how inadequate this bill is—largely on the basis that the government already knows what their arguments are, in any event.

I think it is long past time that this House simply says that we may go down to defeat on a bill, but at least we are going to have a fair debate on it and we are going to allow that when it is a bill as important as this one—not the makeup of this bill but the principle that is at stake. When it is a bill as important as this one, we are going to have some input into it. We are going to allow people to say what they think of it and not have it railroaded through in 24 or 48 hours in this House without that kind of input. That is an important issue.

I know the Liberal Party was ready to collapse and let that go as well. I am glad we did not because I think it is important that people who are concerned do have the chance to put some input into this bill. I welcome the fact that there has been a reconsideration of this and it will go out to committee. I think that is important.

**Mr. Wrye:** Mr. Speaker, I rise to make some comments on this legislation. One might have hoped it would be a Christmas present for the women of Ontario. Unfortunately, the bill is certainly otherwise.

On my own part and on behalf of my party, I want to start by congratulating the winner of the by-election in Stormont, Dundas and Glengarry. I am sure Mr. Villeneuve knows he will be a gentleman who will have to work very hard to be a worthy successor to our friend Osie. I certainly congratulate him on a very solid victory tonight.

I also want to pay tribute to our candidate, John Whitteker, who has served the united counties of Stormont, Dundas and Glengarry well over the years and whose vote tonight I am told is the largest vote our party has received in that riding in four decades. We are very pleased not only to have held our ground but to have made some gains tonight. We look forward to having Mr. Villeneuve in the House and to continuing the fight.

I do not want to be too mean-spirited tonight because it is the Christmas season. As the former Labour critic, I have a great personal regard for my friend the Minister of Labour. I would be delighted if I could stand in my place and say we would support this legislation on second reading. An argument could be made for supporting it because there are certainly improvements over the present legislation. Clearly, the composite test is an improvement over



the present equal pay. I would be the last to deny that.

Some of the other improvements are quite welcome, if long overdue. While I would like to be able to say I support the legislation, the time has come for those of us who believe that the women of Ontario deserve a square and a fair deal to say no to half steps and to say an even louder no to the kind of minimal step the major change embodied in Bill 141 would have us pass.

I join my colleagues in saying we will vote against this legislation on second reading and that we will be putting amendments at the appropriate time to make what we believe to be the appropriate changes to provide a first step for true and equal justice for the women of Ontario.

I have not heard all the debate, but I want to say a word about the comments of my friend the member for Hamilton East (Mr. Mackenzie), who believes he and his colleagues were the only people who pressed for committee debate. If memory serves me correctly, as the Liberal critic for women's issues, I spoke with our House leader and our whip shortly after the bill was introduced and said I thought the bill should go to committee. It is my understanding there was some discussion at that point. It was only the Liberal opposition in the initial stages that wished to send the bill out to committee.

**9:30 p.m.**

I am sure the New Democratic Party have had a change of heart and I am sure their views, which I share, are that the women of Ontario ought to have a chance to come and state their opposition to this sideways progress that is embodied in the composite test. After a while, once in a while, I get a little fed up with hearing the sanctimonious stuff to my left and I would like to set the record straight in that regard.

**Mr. Foulds:** You are not bad at sanctimony yourself.

**The Deputy Speaker:** Order.

**Mr. Wrye:** I am just setting the record straight. If the member for Port Arthur (Mr. Foulds) wishes to engage in this debate, perhaps he will have another letter I have sent to my constituents that he wishes to read.

I am more than disappointed that we do not have in this legislation either a true attempt to have equal pay for work of equal value or even, at a minimum, a statement of intent through a comprehensive pilot project right within the government confines, right within the civil service of Ontario.

It is my view that this government apparently does not want to get its act together enough to find out whether equal value legislation would really work because it keeps complaining it cannot get information from Quebec and it cannot get information from here. I am just amazed that a government that can spend the kind of money this one does and waste the kind of money it does cannot seem to get that information.

If this government has some legitimate concerns—I do not think they are legitimate; I will state that for the record—if the government feels it has to tread carefully in terms of moving forward to equal value legislation, moving forward to the concept my colleague the member for Hamilton Centre presented to this House and which every member of this government voted for, if the government feels it likes the concept but is worried about whether it will play, then let us introduce the concept right here at Queen's Park and work out the bugs here.

But oh, no, we will not have that. We will have no equal value legislation. We will continue with the tried and true complaint that it just will not work. I do not know how this government can justify to itself standing up in late October and saying, "Oh, yes, we favour equal pay for work of equal value and, indeed, we favour enshrining it," and then less than two months later stand up and introduce for the entire province a composite test and present to us not a word about moving forward with a meaningful pilot project to bring in equal value legislation. I suppose by their nature Liberals are reasonably moderate individuals, and I am not one who wishes to be strident about saying we have to have it all today.

If this government, businesses and others out there have concerns about whether it is a realistic concept, I am quite prepared to see a pilot project at work and to work out any of the bugs there, but we do not have that. Consequently, we have the first amendment in some time in terms of equal pay law in Ontario and, quite frankly, we have the last amendment for some time in equal pay law in Ontario. That amendment goes nowhere near far enough to provide any meaningful improvement in the wage gap women suffer from—and they do suffer—and, even more important, in ending, through that part of the arsenal of weapons, the pay weapon, the job ghettos and the occupational segregation that the women of Ontario face.



They not only face it all through the private sector, but they face it through the public sector, through the municipalities, through the school boards and, yes, they face it right here at Queen's Park. If the minister wishes to see the proof of that, I suggest he go and look at the occupational categories of male and female employees at Queen's Park.

We are not only not reducing the levels, but in some areas the numbers of women working in traditional women's jobs is getting larger. It cannot go over 100 per cent. It is so close now that one would have thought there would be some small diminution of the numbers of women as a group. In one category, for example, it went from 92.5 to 92.6. It actually went up, unbelievable as that may be. That tells us that even within the government its affirmative action program is not working. In my view, the equal value provision would be the provision that might be tried next.

It is my view that the composite test will do very little to end those job ghettos. The men of this Ontario society, including this male-dominated Legislature, have no job ghettos. They are free to reject—and indeed they do—those jobs that are traditionally female jobs because of the poor pay those jobs offer. In overwhelming numbers they take a look at a female clerical job, a secretarial job, and say those jobs may have better working conditions, but that is all. They may have more skill, effort and responsibility than some male-dominated jobs which will pay \$4,000 and \$5,000 a year more.

I am sure all of us can understand why the male of this society would simply say: "Perhaps I would like to be a secretary. There is nothing wrong with a male secretary. Perhaps I would like to be a nurse, but with those skills, that effort, that responsibility and those working conditions I can do much better staying with one of the male-oriented, male-dominated jobs," and they do.

The only way to end the job ghetto, not only for the women but for all society, the men as well, is to ensure that those jobs will pay well if they wish to take that opportunity, if they wish to do clerical work, if they do not want to be parking lot attendants, if they do not want to be workers on an assembly line. Yet we have not seized the opportunity and it is so very regrettable.

The evidence we have from Ottawa and Quebec City indicates that equal value legislation can work. Yet this government is timid as always, afraid to take the initiative, afraid to

dare this society. We listened to the Treasurer (Mr. Grossman) today bring forth his economic statement with all his statements of co-operation, "Let us be bold, let us not fear to venture into the future."

I say to the government, in terms of this legislation, why do we fear to be bold? Why do we not dare just once? Why do we not say to the women of Ontario we think it is high time they not pay as they have paid for decades for the economic wellbeing of Ontario? Why do we not say it is not acceptable for all of those women who are the heads of households to be caught in job ghettos which undervalue their work? Why do we not say it is unacceptable for the single women of Ontario to be caught in those same job ghettos?

**9:40 p.m.**

With six exceptions, we are all men in this Legislature. Why do we not say the time has come to give the women of Ontario a fair break? I suspect if we had 119 women in this Legislature, if all of us were gone tomorrow and there were 119 women, equal value legislation would follow very quickly.

I do not wish to be long because the hour is late and I hope we are nearing the hour of ending this session of the House. I did not wish to let the moment pass, however, in a 15-minute debate on a piece of legislation that is as important as this to 52 per cent of our population and as inadequate as this. Indeed the women of Ontario, in my view, and I say this more in sadness than in anger, have been sold out by the minister. I feel very badly that I have to say that. In a sense, they have been betrayed.

I do not mean that in a mean-spirited way. I know the minister is an individual who believes very much in trying to do the best he can for all the workers of Ontario, but I think this minister, like this government, lacks the boldness and the willingness to dare to move into the future boldly and without fear that if something goes wrong once in a while we could not move back.

That is why this legislation moves forward so inadequately for the women of Ontario. That is why, in moving inadequately forward all over the province, we have not even said as a Legislature or as a government that we will dare a little bit, we will come forth with a pilot project immediately because we believe equal value legislation ought to be enshrined and now we want to see that it will work.

In closing, I hope the minister will take note of these comments. I hope he and his colleague the Minister responsible for Women's Issues,

who I believe are well-meaning individuals in a cabinet and a caucus that regrettably, and I am only commenting on what the minister said, appear to be hostile to taking even these inadequate steps forward, will press forward, will go back to the cabinet and come forward with some attempt to move us forward a little further than the very inadequate composite test will do.

I regret I will be joining my colleagues in voting against the bill. I think the time has come to say to this government that half a loaf is not always better than none when that half a loaf is all the women of Ontario can expect as long as this government is around. The women of Ontario expect more. More than that, they deserve more. We would be very wrong to offer our support to the government on second reading of this legislation.

**Hon. Mr. Gregory:** Mr. Speaker, on a point of personal privilege: I would like to thank the honourable member for his remarks a few minutes ago. I did not hear them, but I do appreciate them.

I would like to give the House a final rundown on the election in Stormont, Dundas and Glengarry. The final votes cast were 20,923. Progressive Conservative, 12,097; Liberal, 8,102; New Democrat, 617; Independent, 97.

**Mr. Renwick:** Mr. Speaker, I have three matters I would like to raise with the minister that are of concern to me in connection with Bill 141. I happened to be walking through the corridors below the assembly on the way up to the House tonight and I heard somebody say, "The one good thing about living in Ontario is it makes life very simple because the government makes all the wrong decisions for you."

It seems to me that is what Bill 141 is about tonight. I was struck this afternoon when the minister, usually a most equable man, vented his frustration against my colleague the member for Nickel Belt (Mr. Laughren), not because it was the member for Nickel Belt but because the minister was feeling the personal frustration of the problem with respect to his own son in the question of a plant layoff. He knew the defence he put up was an unacceptable one.

I know the minister well enough to know he understands he is faced with barriers against advancing social legislation in the field of labour relations that neither he nor his predecessors, no matter how nice they were—and they were all nice fellows, that is their job, that is why they were appointed to the Ministry of Labour, to be nice guys—the incontrovertible barrier to progress in the field of labour relations on behalf of

the Tory government is one which must be totally frustrating.

This is exactly that kind of bill. The minister knows what the member for Windsor-Sandwich (Mr. Wrye) has said, he knows what my colleague the member for Beaches-Woodbine (Ms. Bryden) has said, what my colleague from Hamilton has said and what has been said time and time again with respect to the historic segregation of occupations among men and women. Generally speaking, women are uniformly engaged in areas which are not specifically and substantially the same jobs that men do and they are paid a lower rate of pay.

The minister knows that. Many people must have told him that. Many people must have said to the minister: "Break out of it. That is the problem. The problem is to break away from that." If I might draw a minor analogy, we are faced with the same problem in the question of family law reform. Instead of stating a principle in the family law reform legislation, we got into the intricacies of a bureaucratic structure of courts, judges and others who would make decisions in order to bring about some division of assets or some settlement with respect to family property, when the principle was simple.

Had the legislation simply stated very clearly the principle of community property within the marriage framework and had an accounting at the onset of marriage and at the end of a marriage relationship for whatever reasons and then made the division on the grounds that it was community property, it would have been much easier for the courts and everybody else and in the long run less expensive, less intrusive on individuals and would lessen to a great degree the harassment and inequity of that problem.

The analogy to me is very simple. All we are asking of the ministry and of the government is to simply state the principle. Do not get hung up in whether or not we can compare what is involved in comparing the work which is done by one person and the work which is done by another person, where it happens that the work in one area is done entirely by women and the work in the other area is done entirely by men. To erect a barrier and say they cannot make any comparisons I think is fundamentally wrong.

I think it is fundamentally wrong not just in the moral sense of the term, but the minister knows as well as I do that there are skilled arbitrators in this province. We have had a great deal of talk under Bill 111, which has now been passed, about the arbitration process. There are



very skilled arbitrators in this province who are quite capable of making the sophisticated comparisons required in order to eliminate the ghettos that are involved in the occupational world of women.

It can be done. Mr. Teplitsky and Mr. Adams can do it. Mr. Burkett, who did the University of Toronto faculty association arbitration, is a very skilled arbitrator and was making comparisons in fields which are not comparable. It is very difficult to find somebody out there who is comparable to a university professor in there, yet they are able to do it because they have the sophisticated skill and knowledge to draw the comparisons.

9:50 p.m.

When somebody says to me, "Oh, well, you cannot devise a formula by which you can compare unequal operations," I say, "Of course you can." You can find men who are skilled in the world of making comparisons and making value judgements taking into account any number of things, some of which perhaps have a formula base but most of which are simply a question of straight judgement.

I would say that in the long run this government would be much better from its own point of view, and the people of Ontario would be much better served, if the principle were stated. That is what my colleagues have been saying, that is what the members of the Liberal Party have been saying and that is what I am sure many representations made to the ministry have been saying.

Ultimately it is simpler to have the principle. Then over the course of time, whatever the mechanism to apply the principle is, one will find that the decisions will be made; people by and large will begin to accept them. There will always be people who will fight against them, and more decisions will have to be made, but that is the way the world is.

But the principles are very important, and if the minister had stated the simple principle in the bill we would not be faced with the semantic, juridical, legalistic problem that has come to my attention in a comparison of the wording. I ask the minister to listen to the wording in the Revised Statutes of Ontario, 1970, in the Revised Statutes of Ontario, 1980, and in Bill 141.

It is almost gobbledegook. The minister is going to ask people to take almost a microscopic view of the language to find out what this assembly intended to do when it changed the law by Bill 141. I think there are very few people who have the patience to go through that kind of

semantic exercise. Let me try, at least, to put it on the record.

In the Employment Standards Act in the Revised Statutes of Ontario, 1970, we have this wording, "for the same work performed in the same establishment, the performance of which requires equal skill, effort and responsibility and which is performed under similar working conditions." I underline the words "same work," "equal skill, effort and responsibility" and "similar working conditions."

We come along to the Employment Standards Act of 1974, and we have the wording, "for substantially the same kind of work performed in the same establishment, the performance of which requires substantially the same skill, effort and responsibility." I underline the words "substantially the same kind" and "substantially the same skill, effort and responsibility."

When we come to the bill that is now before us, we find, "for substantially the same kind of work performed in the same establishment where the work requires substantially the same skill, effort and responsibility and the work is performed under similar working conditions; or substantially equivalent or greater skill, effort and responsibility." I underline "substantially the same kind of work," "substantially the same skill, effort and responsibility" and "substantially equivalent or greater skill, effort and responsibility."

Just to recite the similarity of the syntax, if that is the right word, in each of the three statutes from 1970 to the bill that is in front of us now indicates to me such a microscopic view of the problem as to produce a problem of interpretation that would defy the ordinary person. Certainly it would defy an employer with the best will in the world who wanted to understand the change that he is now supposed to conform to.

What would happen? He goes out and he has to consult a lawyer about it. What does the lawyer do? The lawyer tells him what he thinks it happens to be; he consults with other lawyers about it and they try to come up with an answer to the question, "What do I do in my plant tomorrow that is different from what I do today?"

The minister knows that game of gymnastics, that game of semantic trivia, is not the guts of the problem. I think we were affronted when he tried to sugar-coat the legislation by bringing in, quite properly, matters related to adoption and adoptive parents and matters related to preg-



nancy leave. Those are matters which should not have cluttered up the bill, which should have been, if necessary, passed by themselves if he was going to try sell the principal part of the bill.

He knows as well I do that he cannot get away as a government without those pregnancy leave provisions and adoptive leave provisions. I give him credit for bringing them in. But he knew that in a time of restraint he had better bring in something in the nature of social legislation. Those are matters which have been upfront and centre for a long time and whose reasonableness, equity and social need speak entirely for themselves.

The gut provision to have it incorporated in the same bill hurt me, affronted other members and led to an intransigence on our part with respect to the need again to have further hearings for the purpose of trying to have the people who understand the problem get through to the minister and his advisers.

If it is true that the economic Neanderthals in his cabinet who think they understand the world of economics but do not understand the world of people are the barrier, say so. I do not want him to have to express his frustration, as he had to this afternoon, and quite properly expressed it, because he knew he was boxed in. He knew he could not get it through the cabinet.

He knows it is the simplest way to deal with it. He knows it is not a problem of legalisms or a problem for legislative draftsmen. It is not a problem for his lawyers to say, "What minor changes in the wording can we do that might advance this intractable problem a little bit?" and they make the changes which have been made, which I tried to put on the record.

Nobody understands it, not a single employer in the province. It will be a matter of endless discussion on the table as to what we did in the assembly on December 16, if that is the proper date, when we debated this bill. Nobody will understand it.

I also want to say, and this is my third comment on the bill, that in April 1985 a provision of the charter is going to come into force. I just want to read it and leave it with the minister. He is going to be faced with a provision which simply says that every individual is equal before and under the law and has the right to equal protection and equal benefit of the law without discrimination. It goes on to talk about the particularities of various types and degree.

The fundamental thing is that the minister is discriminating. He is continuing to discriminate

and he refuses to recognize it. One day a court will tell him he has to establish comparability of working conditions and work which is performed when it is work that should be getting the same pay. He knows that. The principle has been stated many times: equal pay for work of equal value.

He cannot hide behind the proposition that he cannot find people of the other sex doing that kind of work and pretend that is an excuse for continuing to discriminate. I do not particularly enjoy this kind of debate because I know that the minister understands it; I know he understands it very clearly.

**10 p.m.**

I know that even within the strange bureaucracy of the ministry he inherited from the now Minister of Consumer and Commercial Relations (Mr. Elgie), some of them may understand it. But he is faced with men who are engaged in the minutiae of sitting down and making minor changes in wording and trying to persuade the world that they are fundamental changes in principle. It just does not work.

He can say it and he can understand it, and I know he understands it. As far as I am concerned, we will oppose the bill. All we consider the bill does is—as we were going to do by having 20 members stand in their places had the government not agreed with us—to get it out again to a committee for three days, if that is the bargain that has been struck, so he can hear again the facts of social and economic life in Ontario for women who are ghettoized in jobs of historic social necessity and compulsion.

**Mr. Lupusella:** There may be men as well.

**Mr. Renwick:** As my colleague says, there may very well be men in the same position as that. That does not bother me. If we solve it for women, this is one of the problems we will also solve for men to the extent that they are subject to the same degree of ghettoization. But that is not so; there are many more women in that position.

The minister must have read the study of the task force that dealt with the status of immigrant women in this society. Giving the minister full credit for long hours in his office and in the works, perhaps he should get up some morning and go out and inspect some of the ghettos, wherever they are in the city of Toronto or in his own city of Sault Ste. Marie, and say, "That is the barrier I have to break." Do these words break it? No, they do not break it.

We are talking about a society of equals and

about a government that insists it is the best government in every single sphere in the whole of the North American continent. That is no credit to the government unless it recognizes the fundamental basic equality of men and women which had its basis—and one does not need to be a Marxist to understand it—in the economic choices that are available to men and women. They should be equal and the rewards should be equal.

The minister understands that I forgive myself for allowing myself to engage in a tirade, because I know he understands it. It is directed more at the Neanderthals in the cabinet and at the business establishment that controls the cabinet of the government of Ontario so that we cannot possibly get a simple principle of equality in the economic circumstances of individuals enshrined in law in this province. He faces us with legal gobbledegook; that is all it is. I have said enough.

**Mr. Charlton:** Mr. Speaker, I will be briefer than I had originally intended to be. I would like to begin my comments tonight by congratulating the member for Hamilton Centre, not so much for the position she has taken on women's issues here in the House but for the influence she has had within her own caucus.

I recall in 1979 and early in 1980 dealing with Bill 3 and the same issues we are again dealing with here tonight, only tonight we are dealing with them in a very inadequate fashion. In 1979 and 1980, we dealt with them in a much more appropriate fashion. I remind the Speaker that Bill 3 received the support of this House, was passed on second reading and spent some two months in January and February of 1980 in committee doing full hearings on the issue of equal pay for work of equal value.

The reason I want to congratulate the member for Hamilton Centre is simply that in that committee in those months of January and February the Liberal caucus unfortunately was split on the issue. They have come together much better since then, although there are still some renegades over there. I have to give some credit to the member for Hamilton Centre for that.

Unfortunately, Bill 3 died on the order paper in that parliament because the government across the way never saw fit to call the bill for third reading.

**Mr. Kerrio:** I will have to talk to the bill.

**Mr. Charlton:** If the member for Niagara Falls

would please be quiet, we could get this debate over with.

**The Deputy Speaker:** Order. The member for Hamilton Mountain wants to get back to the principle of the bill.

**Mr. Kerrio:** Why does he not talk to the bill?

**The Deputy Speaker:** Order. He is on his way there.

**Mr. Kerrio:** The member for Hamilton Mountain is not talking about the bill. What is he talking about?

**Mr. Charlton:** The member for Hamilton Mountain is speaking directly to the bill.

One of the reasons the government has given repeatedly for not being able to proceed with legislation on equal pay for work of equal value is it is not sure, on the one hand, that it can make it work, and on the other hand, how the system of comparing positions can be adequately put together.

It is unfortunate that the present Minister of Labour and the former Minister of Labour did not participate in that committee in 1980, because the extensive hearings that were held documented rather clearly, by unions, employees and industry, that the system could be made to work.

It is high time the Minister of Labour sat down and read through the Hansards of that committee, because many of the questions he has put as upfront and, I might add, phoney questions in recent debates in this House were answered in that committee by the private sector, the industrial sector, the business sector, the trade unions and some of the unorganized people in this province.

In my comments tonight I will not be quite as charitable as the member for Windsor-Sandwich (Mr. Wrye) was simply because of the coming of Christmas. I recall only too well the consequences of the story we all listen to and watch every Christmas, A Christmas Carol, and Scrooge.

I want to make a few comments on the issue the minister has raised, not in the bill tonight but in his statement tonight about domestics. He was allowed to raise the regulation changes he is going to propose, in addition to this bill, that will deal with domestics. They were raised because they are not changes to the bill but changes to the regulations under this bill. I want to make a few comments to this minister on the whole question of domestics.

In October 1979, we debated a bill on domestics that I presented in this House. I would like to read very briefly a couple of quotes from the



then ordinary back-bench member for Sault Ste. Marie, now the Minister of Labour, in that debate. This is the quote from the member for Sault Ste. Marie:

"The problems facing domestics are currently under review in the Ministry of Labour. As has been pointed out, the regulations under which the Employment Standards Act is applied already cover all such employees in those areas where it has been judged feasible to extend protection."

**10:10 p.m.**

We had a statement from the minister regarding domestics again tonight, some five years later. What did that statement tell us? There was a change, a break period on weekends from 38 hours to 48 hours, which still leaves domestics with the unfortunate potential of being forced to work 120 hours in a week. That is all we got from the current minister, then simply the member for Sault Ste. Marie, who talked about a review in 1979 when speaking to my bill.

Tonight he also promised us a review of the Employment Standards Act as it applies to domestics. I want to read another quote from the present Minister of Labour. Again, this is the member for Sault Ste. Marie referring to his predecessor, the then Minister of Labour. He is quoted by the Sault Ste. Marie Star as saying:

"The Minister of Labour is presently finalizing various changes to the Employment Standards Act for submission to the cabinet, eventually for draft legislation. These changes would implement numerous benefits and areas of protection for the domestic far more comprehensive than those covered in the private member's bill."

Bunk. In five years, those "more comprehensive changes" have reached the stage where the minister has this evening granted us roughly 10 per cent of what was covered by my bill. I am not saying my bill was perfect. There were certainly other inadequacies for domestics, even if my bill had passed, such as workers' compensation coverage and any number of better protections. The minister has managed, as of tonight, to provide us with roughly 10 per cent of what was promised by him in 1979, namely, a more comprehensive package than my bill contained.

It is particularly frustrating for those of us on this side and for the women in this province who have been a part of the debate over the past decade. To the best of my knowledge, the first bill on the question of equal pay for work of equal value was dealt with in this House either in 1975 or 1976. For almost a full decade we have

been hearing the same story: "Review." "It is not time." "We are not sure if it will work." "It needs further study."

To top it all off, and I will wrap up my comments with this, the former minister, the present Minister of Consumer and Commercial Relations, in November 1980, speaking again to my bill, Bill 157, on equal pay for work of equal value and a number of other issues—affirmative action, a women's bureau in the Ministry of Labour and several other issues—said, "We need a blend of legislative compulsion and educational persuasion." He was referring eventually to getting equity in terms of equal pay for work of equal value.

He said: "A special section of the branch has been established, staged with specifically trained officers who have been assisted in their training by representatives of the women's bureau. New staff have been added for this purpose. In addition, as members know, there was a major media campaign on equal pay last summer. All the indications are that the campaign and the activities of the inspectorate have increased public awareness of employees' rights and, equally important, employers' obligations under the law."

All that may very well be true in terms of those obligations that exist under law. The problem is that with all the comments that have been made about support from that side about special staff arrangements, educational and moral suasion, we still do not have what the former minister referred to as "a blend of legislative compulsion and educational persuasion." We still do not have any significant progress in the area of equal pay for work of equal value comparing dissimilar or unlike jobs.

It is a full decade now, and I fear the frustrations among the women in the work force are growing daily. It will not be very long before the government is forced to act, but we would much rather see it act reasonably and soon rather than by force and much later.

**Hon. Mr. Ramsay:** Mr. Speaker, I just want to thank the honourable members opposite who spoke to the bill this evening.

**10:28 p.m.**

The House divided on Hon. Mr. Ramsay's motion for second reading of Bill 141, which was agreed to on the following vote:

**Ayes**

Andrewes, Ashe, Baetz, Barlow, Bennett, Bernier, Brandt, Cousens, Cureatz, Dean, Drea, Eaton, Elgie, Eves, Fish, Gillies, Gordon,



Gregory, Grossman, Harris, Havrot, Hennessy, Hodgson, Johnson, J. M., Jones, Kells, Kennedy, Kerr, Kolyn, Lane, Leluk, MacQuarrie, McCague, McLean, McNeil, Mitchell;

Piché, Pollock, Pope, Ramsay, Robinson, Rotenberg, Runciman, Scrivener, Sheppard, Shymko, Snow, Stephenson, B. M., Sterling, Stevenson, K. R., Taylor, G. W., Taylor, J. A., Timbrell, Treleaven, Walker, Watson, Welch, Wells, Williams, Wiseman, Yakabuski.

### Nays

Allen, Bradley, Breaugh, Breithaupt, Bryden, Cassidy, Charlton, Cooke, Copps, Eakins, Elston, Epp, Foulds, Grande, Johnston, R. F., Kerrio, Laughren, Lupusella;

Mackenzie, Mancini, Martel, McClellan, McGuigan, Newman, Nixon, Philip, Rae, Reed, J. A., Reid, T. P., Renwick, Roy, Ruprecht, Ruston, Stokes, Swart, Sweeney, Van Horne, Wildman, Wrye.

Ayes 61; nays 39.

Bill ordered for the standing committee on resources development.

**10:30 p.m.**

**Mr. Speaker:** Do we have unanimous consent to revert to reports?

Agreed to.

## REPORTS

### STANDING COMMITTEE ON SOCIAL DEVELOPMENT

Mr. Robinson from the standing committee on social development reported the following resolutions:

That supply in the following amounts and to defray the expenses of the Ministry of Health be granted to Her Majesty for the fiscal year ending March 31, 1984:

Ministry administration program, \$80,332,000; institutional health program, \$4,431,541,000; public and mental health program, \$604,612,000; health insurance program, \$2,395,351,000; and

That supply in the following supplementary amounts and to defray the expenses of the Ministry of Health be granted to Her Majesty for the fiscal year ending March 31, 1984:

Institutional health program, \$28,500,000; health insurance program, \$53,500,000.

Interjections.

**Mr. Speaker:** Order.

**Mr. Martel:** On a point of order, Mr. Speaker: Can you tell us what is going on so we will know.

Because of that bedlam, I cannot follow the order of business.

Interjections.

**Mr. Speaker:** There is some rather important business going on. If everybody would keep quiet, then you could hear it.

**An hon. member:** You cannot hear it down here.

**Mr. Speaker:** You are probably your own worst enemy.

Interjections.

**Mr. Martel:** Mr. Speaker, let me tell you right now that it is past 10:30 and if you do not have a motion to continue, then the House is adjourned.

**Mr. Speaker:** Order.

**Mr. Martel:** No.

**Mr. Speaker:** Order.

Interjections.

**Mr. Speaker:** We have the concurrence of the House.

**Mr. Martel:** Get a motion to sit or tell us what the order is. I was not even speaking.

Interjections.

**Mr. Speaker:** I did not say you were.

**Mr. Martel:** If you want to play games, I will play the bloody games. Adjourn the House.

**Mr. Speaker:** Order. Just a minute. We did have concurrence of the House to revert to motions.

**Mr. Martel:** That is right.

**Mr. Speaker:** Okay.

**Mr. Martel:** I could not hear and I got up in a proper manner on a point of order.

Interjections.

**Mr. Martel:** You said if I would be quiet, I would probably hear.

**Mr. Speaker:** No, I did not.

Interjections.

**Mr. Speaker:** With all respect, I did not say that at all.

**Mr. Martel:** I am saying it is now 10:30.

**Mr. Speaker:** We do have concurrence—

Interjections.

**Mr. Speaker:** Order, please. The House agreed to revert to reports. I know it is late and I know we are all tired.

**Ms. Copps:** Who is running the House?

**Mr. Ruston:** Elie. He has been running it for five years.

**Mr. Speaker:** Order. By unanimous consent we did agree. The House can agree to do anything by unanimous consent and we had that consent.

**Mr. Laughren:** No.

**Mr. Speaker:** I heard it.

**Mr. Martel:** I simply rose in my place because I could not hear the order of business.

**Mr. Speaker:** Neither could I. It is just as difficult.

**Mr. Martel:** After the House estimates were being presented, I could not hear whether you called for a vote or anything.

**Mr. Speaker:** No, I did not.

**Mr. Martel:** I simply rose in my place to ask you that.

**Mr. Speaker:** Well, I could not hear what you said, to be quite honest with you.

**10:40 p.m.**

**Mr. Martel:** That is right, but you did not ask me to repeat what I said. You simply said if I was prepared to be quiet, I might have heard it. I am sorry.

**Mr. Speaker:** All right. We have agreed by unanimous consent to revert to reports and I have called for a report.

**Mr. Martel:** I wanted to know what report we were on.

**Mr. Speaker:** I am not sure. The member for Lakeshore (Mr. Kolyn) rose, and that is as far as we got.

**Mr. Martel:** That is why I rose in my place to ask you, because I could not hear after the member spoke and I wanted to know where we were.

Interjections.

**Mr. Speaker:** Order.

**Hon. Mr. Wells:** I understand my friend's problem. I think perhaps we should all just quiet down for a minute as we all want to get the business of this House done. I would be very happy to move that this House continue to sit until reports are completed.

**Mr. Speaker:** Are you all familiar with the motion?

**Mr. Martel:** That is not the problem. The problem was I simply did not know—

**Mr. Speaker:** Okay, okay, okay. Order. Order. Order.

**Mr. Kerrio:** You are acting like a school boy.

**Mr. Martel:** All I am saying is I just wanted to know what order we were on. That is all I rose in

my place to ask. I do not need a motion. When I get that sort of response, then I am prepared to accept—

**Mr. Speaker:** Okay, okay. All right.

**Mr. Martel:** All I want to know is the order.

**Mr. Speaker:** All right. There is a motion before the House. Order. You have all heard the motion?

**Mr. Foulds:** What is the motion?

**Mr. Speaker:** Is it the pleasure of the House the motion carry?

Agreed to.

**Mr. Martel:** Now would you kindly tell me as we proceed what order of business you are on?

**Mr. Speaker:** Reports.

**Mr. Martel:** I know that. What report? We had moved from the report of the member for Scarborough-Ellesmere (Mr. Robinson). The last thing I heard was his report. I simply want to know if that matter was handled and we then moved on to the next order of business. That is all I am trying to find out.

**Mr. Speaker:** We have reverted to reports under routine proceedings. The member for Lakeshore rose when I called for reports, and he will identify what report he is going to bring in.

**Mr. Martel:** Mr. Speaker, I didn't hear you dispose of the report from the member for Scarborough-Ellesmere. That is what I am trying to find out.

**Mr. Speaker:** All right. Let me enlighten you. There was no disposition of it. That is a report to the House and that is as far as it goes.

**Hon. Mr. Welch:** It goes on the order paper for concurrence.

**Mr. Martel:** That's right. I just wanted to know that.

**Mr. Speaker:** Right. No vote is required. Will the member for Lakeshore please identify what report he is bringing in?

#### STANDING COMMITTEE ON ADMINISTRATION OF JUSTICE

Mr. Kolyn from the standing committee on administration of justice reported the following resolution:

That supply in the following amounts and to defray the expenses of the Ministry of Consumer and Commercial Relations be granted to Her Majesty for the fiscal year ending March 31, 1984:

Ministry administration program, \$7,441,000;  
commercial standards program, \$16,154,900;

technical standards program, \$8,148,700; public entertainment standards program, \$24,601,300; property rights program, \$27,644,200; registrar general program, \$4,570,000; liquor licence program, \$5,462,600; residential tenancy program, \$8,203,000; and

That supply in the following supplementary amount and to defray the expenses of the Ministry of Consumer and Commercial Relations be granted to Her Majesty for the fiscal year ending March 31, 1984:

Community standards program, \$6,648,900.

#### STANDING COMMITTEE ON RESOURCES DEVELOPMENT

Mr. Barlow from the standing committee on resources development reported the following resolution:

That supply in the following amounts and to defray the expenses of the Ministry of Municipal Affairs and Housing be granted to Her Majesty for the fiscal year ending March 31, 1984:

Ministry administration program, \$18,630,000; community planning program, \$41,062,000; real estate program, \$38,816,000; community housing program, \$24,348,000; Ontario Housing Corp. program, \$157,812,000; municipal affairs program, \$761,673,000; and

That supply in the following supplementary amount to defray the expenses of the Ministry of Municipal Affairs and Housing be granted to

Her Majesty for the fiscal year ending March 31, 1984:

Community housing program, \$7,072,000.

#### BUSINESS OF THE HOUSE

**Hon. Mr. Wells:** Mr. Speaker, before we adjourn the House, I would like to announce the business for tomorrow. After routine proceedings we will begin with resuming the adjourned debate on Bill 142, followed by concurrences in supply in the following order: Labour, Provincial Secretariat for Justice, Solicitor General, Correctional Services, Agriculture and Food, Environment, Provincial Secretariat for Resources Development, Tourism and Recreation, Energy, Natural Resources, Health, Municipal Affairs and Housing, and Consumer and Commercial Relations.

We will then proceed to the budget debate in which 45 minutes have been allotted for the official opposition and third party speakers and 20 minutes for the government windup.

**Mr. Nixon:** That is 45 minutes each.

**Hon. Mr. Wells:** Each, if they wish, and there will be 20 minutes for the government windup. After that there will be the supply bill and then, I hope, royal assents and prorogation.

I might also indicate to the House we expect to have the newest member of the Legislature, Mr. Noble Villeneuve, in the gallery tomorrow.

The House adjourned at 10:47 p.m.



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**Hansard**

# **Official Report of Debates**

Legislative Assembly  
of Ontario

**Third Session, 32nd Parliament**

Friday, December 16, 1983

Speaker: Honourable John M. Turner

Clerk: Roderick Lewis, QC

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# LEGISLATIVE ASSEMBLY OF ONTARIO

Friday, December 16, 1983

The House met at 10 a.m.

Prayers.

## STATEMENTS BY THE MINISTRY

### BY-ELECTION IN STORMONT, DUNDAS AND GLENGARRY

**Hon. Mr. Davis:** Mr. Speaker, I think it is essential that I report to the House on a matter of great significance and public importance that occurred in Ontario yesterday; an event that, glancing at one of the morning newspapers, in that I do not get the other one, I found buried on roughly page 12, because we get the early edition.

I know that if the result had been somewhat different it might have found its way to page 1, where I did read the headline—and I never quarrel with headlines, because reporters do not write the headlines—that the Treasurer (Mr. Grossman) found an intriguing way, apparently, of spending money on winter works that would reduce the deficit. Mind you, I then read the headline a little more carefully and discovered that he was going to raise taxes. Now, I sat here and listened yesterday. The New Democrats did not listen yesterday, but I listened and I never heard him say that. However, I saw that other story on the back pages of that great paper.

I do report, because it is significant, that after nearly three years in the tenure of this government—three years that have not been easy in the economic life of this province, three years when there have been opportunities for the opposition parties to establish their positions and their points of view in the minds of the public, under a new leader in both instances—the voters in a very important part of this province had an opportunity to assess their judgement, with objectivity and in good weather.

I was intrigued, because it was reported to me that one of the rationales from the Leader of the Opposition (Mr. Peterson) was that we did so well because the weather was good. I cannot understand how anyone in a democracy would want to have poor weather to limit the vote, to limit the opportunity of people to express their point of view.

I heard the rationale that the New Democratic Party vote collapsed. That vote did collapse, but if that is the reason they think the Tories did so well I have to say to the Leader of the Opposition that has to be the largest figment of his imagination in recent history.

I was spending a very quiet evening in my constituency last night, a very quiet evening indeed, doing those things that a local member must do. But even in Brampton I heard the bleating of the member for Windsor-Sandwich (Mr. Wrye) and the member for Hamilton Centre (Ms. Copps) suggesting that it was the cost of the campaign. Even the Leader of the Opposition suggested that. The Leader of the Opposition can send any analysts in. We had trouble matching dollar for dollar the money the Liberal Party of Ontario spent in that by-election, and he should not try to kid anyone that this was not the case.

I was in that great representative area of Winchester not too many days ago and I spoke to that group. I did not talk about personalities in that sense, but I did talk about, shall we say, integrity in the political process. I talked about the Liberal campaign, which for two weeks had been suggesting to the people of that great riding that we had some scheme whereby taxes would be raised by an average of \$100 a household.

I said to those great people in Winchester, without equivocation—which is difficult for me—without fear of contradiction and without any convoluted, that this would not be the case. The Leader of the Opposition travelled the length and the breadth of that constituency the day after, suggesting the Premier had not been informed and we were going to raise taxes. I would say the people in that constituency made their judgement as to whom they believe.

I have been sitting patiently in this House listening to the Hamlet from Renfrew North—

**Hon. Mr. Grossman:** No. It said “omelette” here, not “Hamlet.”

**Hon. Mr. Davis:** No, I said “Hamlet,” not “omelette”—although they did lay an egg in that riding last night.

I listened to and I read his protests about the



visit of the cardinal to our dinner. I did not see any of the Liberal members who were there as guests of who knows who—and I know who—walk out of the dinner the other night when that same distinguished individual was a guest at the Liberal fund-raising dinner. I did not see any of them leave on television.

What is important to the public of this province is that in spite of all of those pressures, in spite of all those campaigns and in spite of the suggestions in this House that we were neglecting eastern Ontario for a multitude of reasons, I just want to tell members a few facts.

The Progressive Conservative Party won in 1977 with 49 per cent of the popular vote. The Progressive Conservative Party won in 1981 with 55 per cent of the popular vote. The Progressive Conservative Party won yesterday in that great historic area of Ontario with a very distinguished Ontarian-Canadian by 58 per cent of the popular vote.

**10:10 a.m.**

In spite of the pundits who say that PCs wonder whether tradition will hold, or the pundit from the Toronto Star who spent a day or so talking to who knows who that it was going to be the closest by-election in the history of that constituency, I hope they now understand that they have to understand the people that I understand in that constituency.

I now introduce the member whom we have elected—I know he will be warmly received by all members—the next member for Stormont, Dundas and Glengarry, a great Canadian, Noble Villeneuve.

[Applause]

**Mr. T. P. Reid:** After listening to that, he may want to resign.

**Hon. Mr. Davis:** After yesterday, the member for Rainy River (Mr. T. P. Reid) may want to walk across the floor of the House. What is more, I am suspicious he will not be alone.

As well, Mr. Speaker, I would like to introduce his very charming wife, Elaine, who probably got more votes for Noble than he got for himself, as Cathy does for me in the great riding of Brampton.

**Mr. Peterson:** Mr. Speaker, although it is difficult to tell from the remarks of the Premier (Mr. Davis), I assume he was pleased with the outcome of the by-election.

On behalf of my colleagues, may I issue our congratulations to the new member for Stormont, Dundas and Glengarry. I am sure he would be the first to admit that he has come to this House

to fill very large shoes. It was a well-fought campaign. I congratulate him. I congratulate our candidate, of whom I was very proud, on the vigorous campaign that was fought on behalf of our party.

As Mr. Villeneuve has embarked on his first day watching this Legislature, soon to be part of it, I hope he is not too turned off by the process so far, because there is so much left to do for Stormont, Dundas and Glengarry. I am sure he will be an able representative of that great area in this province. I offer him my congratulations.

**Mr. Rae:** Mr. Speaker, the Premier has learned, as we all have, that graciousness in victory is extremely important. There was a quality to the speech today which I must say I did not hear upon the election of the member for Hamilton West (Mr. Allen) a little while ago and upon my own election just a short year ago.

It was John Kennedy who said, "If you do not know how to lose, then you do not deserve to win." New Democrats in eastern Ontario have had a long history of learning how to lose.

**Hon. Mr. Grossman:** You defeated yourself yesterday.

**Hon. Mr. Davis:** You could carry it too far.

**Mr. T. P. Reid:** They are getting better at it all the time.

**Mr. Rae:** We are getting a little too good at that. Nevertheless, I do want to say, first of all, to Mr. Villeneuve and to his family that we look forward to him joining us here. I want to offer him my personal congratulations and congratulations on the part of all of us who are part of this somewhat crazy process known as political life.

I also want to congratulate him on the way in which he conducted himself in the election. I was there a number of times, though I must say the results do not necessarily reflect that. Perhaps if I had gone more often it would have been even worse, I do not know.

What I do want to say is that I want to pay tribute as well to our own candidate in the riding, Mr. Derstroff, who in my view conducted himself with great distinction. I simply want to say that we look forward very much to this process continuing. I do not know how much longer this House will be in session. One hears all sorts of rumours with respect to the future plans of the Premier.

All I can say to the new member for Stormont, Dundas and Glengarry is that he is welcome to be one of all of us here in this chamber on a nonpartisan basis. It was in a nonpartisan mood that the Premier struck with such grace and

tone today. There was really an element of making everyone feel equally involved in the welcoming of the member. He outdid himself today in the nonpartisan spirit of his remarks.

**Mr. R. F. Johnston:** It is Christmas.

**Mr. Rae:** It is a Christmassy holiday mood which has so aptly characterized the arrival of a new member in this chamber. In that same spirit I want to welcome the new member for Stormont, Dundas and Glengarry. I only wish we had had exactly the same kind of welcome for the member for Hamilton West when he so successfully succeeded the late departed Liberal leader, Mr. Stuart Smith.

#### SENIOR CITIZENS' BENEFITS

**Hon. Mr. Gregory:** Mr. Speaker, it is with great pleasure that I rise to report to the honourable members on my ministry's efforts to ensure that Ontario's senior citizens receive their property and sales tax benefits in time for Christmas.

The members will recall my earlier statements concerning the commencement of the property and sales tax grant cycles earlier this fall. Alongside the simplification of the property tax grant application form and various improvements to our processing operations, members will also recall I made particular reference to the enhancement of our capacity directly to assist MPPs' constituency offices to deal with inquiries and problems.

There is no doubt these improvements have contributed significantly to a very successful fall payments campaign for both grants. For example, we have now cleared 99.4 per cent of the property grant applications we have received, which is over 37,000 more than at this point last year. At the same time, the great majority of those applications still on hand comprise simple deficiencies awaiting replies from seniors and newly received applications from late filers or people who have just turned 65 years of age. Altogether, to date we have mailed more than 563,000 property tax grants for a total value of \$139 million, as well as more than 909,000 sales tax grants totalling \$45 million.

In reporting on this progress, I wish to inform members that we will be writing shortly to report to their constituency offices on the program in overall terms and of our management of their inquiries in detail; and most important, to thank them personally for their excellent co-operation. Their response was most encouraging and was particularly important in

view of the fact there was no paid advertising for the program this fall.

Since early September we have cleared more than 93 per cent of members' inquiries, while 83 per cent of the 76 outstanding ones have been received within the past week. The average time taken to resolve these inquiries has been only 3.2 days, while members' offices are also informed within five days as to why any inquiry will take longer to resolve. I want to take this opportunity to express publicly our great appreciation for the support we have received from the constituency offices and to acknowledge their contribution to the results I have just described.

Finally, I am pleased to report that our mini-campaign for paying property tax grants to seniors who became 65 in the second half of 1983 is running ahead of schedule. More than 12,000 applications were mailed on November 14 to seniors who turned 65 in July, August and September, while a further 6,800 were mailed at the beginning of this week to seniors with October and November birth dates. These new applications are being turned around well within our target of 10 working days. In fact, more than 75 per cent of the November 14 mailing has already been received and paid.

**Mr. Speaker:** Just before proceeding, I wonder if we may have the co-operation of all honourable members in restricting their private conversations.

**Mr. Sweeney:** You are looking at the wrong side, Mr. Speaker.

**Mr. Speaker:** I thought I was looking at the right side.

10:20 a.m.

#### WATER POLLUTION CONTROL

**Hon. Mr. Brandt:** Mr. Speaker, I am pleased to report to honourable members on several important initiatives which will contribute significantly to the protection of the environment in our province.

Funding in excess of \$17 million is being provided for high-priority environmental projects in Niagara Falls, Sudbury and Timmins. Of this total, my ministry has already disbursed \$4.4 million towards a water project in Timmins and \$2.2 million for improvements to sewer and water facilities in Sudbury. We will also provide \$2.2 million for the upgrading of the water pollution control plant in the great city of Niagara Falls.

Earlier this week I signed an agreement on behalf of the province covering additional funds



for these communities under the special recovery capital project program which is administered by Environment Canada. This agreement provides up to an extra \$3 million for the Timmins project, \$2.5 million for Sudbury and \$3 million for the plant improvement in Niagara Falls.

The project in Niagara Falls will upgrade that city's water pollution treatment plant by converting the existing primary treatment plant into a secondary facility providing full biological treatment. My ministry's latest investment in Niagara Falls reflects our ongoing concern with respect to pollution in the Niagara River resulting from waste disposal practices on the American side. Members are aware of our three-year, \$1-million program to install a pilot-scale granular activated carbon water filtration facility at Niagara Falls. I want to give every assurance that this project is proceeding.

The moneys for Timmins are to expand an existing water treatment plant to a capacity of 10 million gallons a day and to improve the water distribution system throughout Timmins south. At Sudbury, my ministry has supported over the past year a program to improve service in the community's Algonquin Road area through the provision of a new network of watermains, collector sewers and sewage pumping stations.

Negotiations with respect to federal government participation in these projects were conducted with great efficiency by the secretariat of the Board of Industrial Leadership and Development in close collaboration with officials of my ministry.

In addition to the obvious environmental benefits that these undertakings will confer on the three municipalities, new job opportunities will be created as a result of the construction and engineering required to complete these projects.

**Mr. Kerrio:** Mr. Speaker, on a point of personal privilege: I would like to thank the minister for this wonderful Christmas present. I would like to commend him for taking this initiative because, in doing so, I think we can more clearly deal with our American friends in cleaning up the environment at Niagara.

If I may, four ministers later, take just a small part of the credit for keeping constant awareness of the situation.

#### COMMUNITY JUSTICE WEEK

**Hon. Mr. Walker:** Mr. Speaker, I have an announcement about Community Justice Week. The pursuit of justice and prevention of crime is

not only the concern and responsibility of government, but of the citizens of Ontario as well. In order to emphasize and highlight this shared responsibility in our province, I am happy to announce that April 8 to 14, 1984, has been officially designated Community Justice Week in Ontario.

This special week will be co-ordinated by the Justice secretariat and will help to enhance public awareness about the rights and services which the justice system provides, as well as the responsibilities it places on the people of our province. We hope that volunteer participation throughout the justice system will be encouraged by our efforts.

A special emphasis this year will be placed upon the victims of crime, and I believe that victims are more important than the perpetrators of crimes. The needs, rights and feelings of victims are often trivialized and I think it is time that the concept of victim justice permeated our entire justice system. Appropriately, the theme of our week is "Victim Justice: Care and Share."

I commend the more than 50 Ontario communities which actively endorsed and participated in Community Justice Week last year and I am pleased to report that almost 100 communities have already indicated eagerness to participate in the 1984 event.

We look forward to working with the many governments, groups and agencies across the province in the planning of this most positive initiative in community-based crime prevention.

#### CHILD AND FAMILY SERVICES LEGISLATION

**Hon. Mr. Drea:** Mr. Speaker, it gives me great pleasure today to table the draft legislation for the Child and Family Services Act. Before I discuss these proposals in detail, I would like to set the context of their great importance with a few remarks about the history of children's services in this province.

It is a generally recognized fact that Ontario has some of the finest children's legislation in the world. We have a long and proud record of child care and protection. Nevertheless much progress has been made in just the few years since my ministry in 1977 was given responsibility for serving most of the children with special needs. I hasten to add that I do not say this in a partisan way.

The point I am making is that in these six years great strides have been made in the framing of children's services as a responsibility not just of government but of the entire com-



munity. We have advanced considerably the multidisciplinary approach to work with children, an approach that I am sure nobody would disagree is both sensible and progressive.

In addressing the requirements of these children we have striven to extend and strengthen our partnerships with others engaged in this vital work: municipalities, children's aid societies, professional agencies and many other organizations and individuals. This has been done and is continuing to be done from the standpoint of a philosophy that we consider to be practical as well as caring in the broadest sense.

That philosophy is that the care and protection of children with special needs, whatever those needs, is the responsibility of us all as legislators, as citizens, as family members and as members of the community at large. It is in this context that I would ask the House to consider the draft legislation and commentaries that have been placed before the members today.

The process of consolidating 10 existing pieces of legislation affecting children, consulting with those groups affected by the changes and drafting the new act has been a long, difficult and, indeed, controversial one. It has taken more than a year and involved 150 meetings with key groups. More than 350 written briefs were received.

As is the case in most exercises of consultation, we found that the majority of respondents focused on recommendations they opposed rather than on those they supported or on which they did not have a strong opinion. This, in a democratic society, is a natural reaction and one, indeed, to be welcomed because it adds to the element of professional expertise that is so vital in the process of policy-making.

Probably the most controversial of all our proposals were those dealing with the family. It was argued that we had been moving towards a position that was too protective of the family as a unit and not sufficiently protective of children, especially those at risk. This contention was and continues to be born from a misunderstanding of our overall objectives, and I hope that with the publication of the material before the House today we will finally succeed in removing that misunderstanding.

First, though, let me say that we listened during the public consultation process; we listened and we made changes. We have not changed our philosophical viewpoint regarding the care and protection of children in this province and the role of the family in that process, but we have reworded our proposals so

that there will be no further misunderstanding of our purpose. For instance, we have avoided emphasizing the phrase "family autonomy," which gave rise to misgiving, however misplaced it may have been.

I have said before and I will say again today that the protection of children in this province is a clear and paramount duty. It is a clear and paramount duty, as it always has been, of this government, of my ministry and of all those with whom we share in this work. It is indeed a clear and paramount duty of every adult citizen of the province.

I have also said before and I will say here again today that I have no hesitation whatever in defending the family as the most basic and important of all our society's institutions. Perhaps never before has the importance of preserving and strengthening the institution of the family been so evident as it is today in these times of severe unemployment, economic hardship and international uncertainty about how to cope with the trauma of sweeping and sudden change.

More than ever, in times such as these the family is a refuge and a source of strength. The resilience of our society as a whole, its ability to survive and adjust to the forces now testing its very fabric, depends to a tremendous extent on the resilience of the family. Its survival, its sustenance is, too, the duty of us all.

What we have been trying to do with the new legislation all along is achieve a balance between the clear and paramount duty of society to protect its children and the right of parents to raise their children according to their own values and beliefs, providing that those beliefs are not unduly in conflict with the prevailing moral standards of a decent, humane and progressive society. Our purpose ideally, a practical and also a desirable purpose, is to work with the family and not at odds with the family when this is feasible and in the best interests of the children concerned.

That philosophy, as I have said, was not compromised when, after the public consultation process, we made the changes that members have before them today. But we did come to the conclusion that what was perhaps most needed was clearer guidance, a clearer statement of goals and principles, in our joint activities. We felt we could achieve this, in part at least, by removing as much as possible of the language of the proposals that was perceived to be ambiguous.

**10:30 a.m.**

It is our contention here that, aided by the clarity of the written statement of objectives, those whose responsibility it is to co-operate with us in children's services will succeed in achieving the unwritten values we all desire.

Given a clear statement of our society's paramount duty to protect children, I believe those organizations and individuals in service with us will also achieve, through their own professionalism, dedication and goodwill, the delicate balance between the community's duty to protect children and the right of families to carry out the duties and responsibilities of families.

I have referred repeatedly to our objectives. I want to stress here that in the task at hand we do not see ourselves as a ministry, a department of government, so much as an agent of the community at large. I will return to this point in a moment for it is a highly important one.

First, though, I would like to talk a little of the matters that are to be dealt with in the proposals before the House. It is not my intention to go into them at length.

This draft legislation, together with its accompanying commentaries, is complicated and extensive. These matters are worthy of the members' scrupulous consideration. It would serve no good purpose for me to attempt a definitive analysis today. I would instead like to touch on a few of the more important provisions.

I would draw the House's attention, first, to the proposed new declaration of principles. I will mention only the first two paragraphs in detail. These are:

(a) In all matters under this act, the paramount objective is to ensure the best interests, protection and wellbeing of children; and

(b) While parents often need assistance in caring for their children, the assistance should, wherever possible, support the family unit and be provided on a voluntary basis.

The consultation paper proposed that the services being provided be grouped into the five categories of family support, residential care, child and family service, child development and youth work. As a result of the feedback received, it is now proposed that the services be grouped differently—as child welfare services, child development services, treatment services, young offenders services and community support services.

There was considerable discussion during the consultation period on definitions in existing legislation and on our earlier proposals concerning children in need of protection. We have

again made material changes that do not change the existing intention of the legislation so much as provide a clearer statement of purpose.

For example, the word "serious" has been deleted in regard to the test of whether a child has suffered, or is at risk of suffering, physical harm.

The proposal that the authority of a child and family service agency to apprehend a child without court authorization should be limited to emergency situations has also been revised. As the proposal now stands, apprehension would be permitted where there are reasonable grounds to believe there is a need for protection and that the time taken to obtain a warrant would endanger the child. In such a case, the matter must be brought to court within five days of the necessary interim intervention.

In general, in connection with this point, I believe our new draft legislation will provide great assistance to the courts and other law enforcement authorities and to the children's aid societies in carrying out their duties, again through the provision of a clearer statement of purpose.

I should mention in passing that provisions for dealing with children in need of protection will also be used when it is necessary to intervene with children under 12 after the federal Young Offenders Act comes into force. Under that act, children under 12 will not longer be charged with an offence.

During the consultation period, some concern was expressed by professionals, including doctors, psychiatrists and social workers, that the review process for children who had been placed in long-term residential care of one type or another might be unwieldy and overly bureaucratic, that it might even cause some children to become lost in the system, so to speak.

The purpose of the consultation was to elicit such constructive criticism and, again, we have made desired changes. We have now proposed a peer review mechanism that I believe will satisfy the reservations of those who will be involved in these deliberations. I think our new proposals on this matter will be seen as nonlegalistic and flexible, though still effective in serving children in need of care and treatment, both in the long and the short term.

Earlier, I spoke of the ministry regarding itself in the task at hand as an agent of the community at large. In closing, I would like to return to that thought.

What we are presenting today, I believe, is good draft legislation in a highly complicated



and emotional field. We have endeavoured to reconcile differences of opinion among those organizations and individuals who co-operate with us in this difficult area through full and open consultation. That consultation will continue in this forum.

I would therefore say to all members of this House, and in particular the members of the standing committee on social development which I understand will be studying these proposals through the winter months, that my officials and I look forward to working with them.

We are all working in the best interests of families and children. This, I suggest, is not a political matter. It is something that is of vital concern to all of us as members of the larger community, for our children are not only the wards of us all, their wellbeing is essential to our future.

#### TRIBUTE TO SECURITY OFFICER

**Mr. Speaker:** If I may have the indulgence of the House, I would like to recognize a person who has served this chamber faithfully and well over the last several years. He will be retiring in February 1984 and this is the last opportunity we will have to say thanks to him. Sam Harland has served for the past nine years on the sessional platoons of the security service in the chamber. I want to recognize the service Mr. Harland has provided.

He has always carried out his responsibilities with great efficiency, dignity and sensitivity. I know you will join me in wishing him well in future years and that he may enjoy health and happiness.

**Mr. Peterson:** Mr. Speaker, I share your remarks and I can think of no finer candidate for a Queen's Counsel in the next month or two.

#### ORAL QUESTIONS

##### PREBUDGET STATEMENT

**Mr. Peterson:** Mr. Speaker, I have a question for the Treasurer with respect to his economic statement yesterday. When one cuts it down, one can see the projections he made were on the assumption that there were no policy changes at either the federal or provincial level. At the same time, given current assumptions, there is going to be an increase in the deficit which he has said is not tolerable in his view. He is worried about threats to the triple-A credit rating of the province; therefore, there are going to be tax increases coming in his next budget. That is the clear conclusion.

If the Treasurer wanted meaningful input into the budgetary process and wide consultation as to the potential consequences of his exercising various tax options, why would he not bring forward what his options are? Why would he not present econometric studies or analyses of what those increases in taxes would do to his various forecasts on growth, consumption, retail sales and a variety of other things? Why would he not share all that information with the people of Ontario so that we could have a meaningful discussion about our economic future rather than just facing this self-serving pap he has given us?

**Hon. Mr. Grossman:** Mr. Speaker, the presumptions the member is making are not necessarily accurate. If he will read the statement, he will find we have indicated that if spending grew at the same rate as our revenues are projected to grow, then it will produce a deficit which is larger than it ought to be. Neither of those presumptions may be in place next May.

There will be policy changes at both the federal and provincial levels which will affect both spending and revenues, so one should not presume that this scenario will still be in place next May. That is what it looks like now if our spending increases at the same rate. The first presumption that we have to remember is that there will be policy changes and the projection as laid out in the statement will be affected by those changes.

Second, in terms of where we go next May, there are many options open to us. No decisions have been made and the point of this document is to lay out the general framework for adjusting those policies by next May so that we do not end up with an increased deficit and with cuts and taxes where they cannot be afforded.

10:40 a.m.

If the member looks back at the many budgets preceding the one next May, he will find we have usually had some sort of mixture of those. In some circumstances, one of the mixtures has not included tax changes.

This is simply background showing what the projection would be if spending rose to match our revenues. That is not a presumption; it is an assumption which gives a projection if nothing were to change. That is the purpose of the document.

**Mr. Peterson:** The net result is that taxpayers are again going to be losers. That is a reality unless the government is tougher on some of its



wasteful expenditures such as Suncor, the land banks and a whole variety of things.

The other clear result of the Treasurer's statement of yesterday is that property taxes will increase across this province. Every municipal analyst who has looked at what the Treasurer has said recognizes there is going to be a property tax increase, probably very much in excess of five per cent, as a direct result of his transfers.

Why would the Treasurer not have included those projections in his statement of yesterday? Why did he back off on his commitment to me in the House a couple of weeks ago when I asked him about municipal transfers? He said he would be transferring over and above the five per cent wage component. Why has he decided again, for I do not know how many times, to transfer his tax burdens on to the regressive property tax and further punish people in this province?

**Hon. Mr. Grossman:** Let us be clear about the unconditional grants. Last year they were 4.3 per cent; this year we have announced five per cent. As I go down the list of all the transfers I announced yesterday, only the unconditional grants to municipalities out of that whole list will go up at a quicker rate and have a larger figure. All the others have lower transfers, obviously reflecting differences in inflation impacting on those this year as opposed to last year.

Those who would suggest municipal mill rates need to go up and that there is a transference of obligations and taxes to the municipal taxpayer are, with respect, not interpreting it and not understanding it, or are perhaps just looking for more money.

Last year it was 4.3 per cent; this year it has gone up to five per cent. That is hardly consistent with the analysis the Leader of the Opposition wants to put forward.

**Mr. Peterson:** Is the Treasurer prepared to give assistance to those municipalities whose wage settlements go up in excess of five per cent? Is he now willing to tell those municipalities that if they do get stuck with a higher award, because there is no relief from that, he is going to provide assistance so property taxes will not go up? Will the Treasurer make that clear commitment?

**Hon. Mr. Grossman:** Let me give a clear answer. The answer is no, we are not about to abandon all our efforts to fight inflation and to continue to get the inflation rate below 5.3 per

cent. That is our projection for next year. As I said in my statement, that is too high.

If the member wants to put forward the proposition that we should encourage, through the provincial tax base or any tax base, settlements in excess of the rate of inflation, then I have to say we could not disagree more fundamentally on how the future of this economy should be structured and should unfold.

My colleagues on this side of the House and I strongly believe we must continue the fight against inflation and that those settlements should not be encouraged to go higher. The settlements both in the public and private sectors must be encouraged to be lower. That is what will protect the provincial and the municipal tax bases.

#### WHITE FARM EQUIPMENT CANADA LTD.

**Mr. Peterson:** Mr. Speaker, I have a question for the Minister of Industry and Trade. Could the minister bring this House up to date on the very disturbing news about the breakdown in negotiations between Borg-Warner and White Farm Equipment? What is he doing to save those 1,000 or so jobs? Is it indeed a fact that the negotiations are at an impasse?

**Hon. F. S. Miller:** Mr. Speaker, we are disturbed ourselves. We had no warning until the press reports came out yesterday. We have been very concerned about it. I understand the Ministry of Labour is standing by, if asked, because it appears to be a question of resolving a difference of opinion between the United Auto Workers and the potential buyers in terms of the contract conditions. I believe that was a precondition to the agreement or it was spelled into the memorandum of understanding entered into at the time of the acceptance of the offer.

Obviously, Ontario is very anxious to see a satisfactory resolution of those differences. In reading the newspaper reports today, which are as accurate as any other sources I have right now, from what I can tell there appears to be in the quotations attributed to the representatives of Borg-Warner a glimmer of opening for some counter-offer to bring the two sides together.

**Mr. Nixon:** Mr. Speaker, since the representative of Borg-Warner is quoted as saying, "This is not a negotiating tactic, it is for real," does the minister not think he and his colleague the Minister of Labour (Mr. Ramsay) might call in the representatives of Borg-Warner, the UAW and the receiver, since one of the major alternatives to this is simply the liquidation of

the assets and the loss of those jobs, and indicate our direct concern and interest and try to work out an agreement between the two sides so that we are not going to play this brinkmanship game, which could result in the loss of these 1,000 jobs?

**Hon. F. S. Miller:** Let me assure the member that Ontario is not playing any brinkmanship game. Indeed, Ontario stands—

**Mr. Nixon:** I know that. Surely you understand what I am saying.

**Hon. F. S. Miller:** I hope so. I am only saying that because this is a difference of opinion between the potential employer and the union representing the employees, I would suspect my colleague would require some request; I am not sure of that. I would also assume he would quickly respond—

**Mr. Nixon:** Don't play an Alphonse and Gaston game with this important matter.

**Hon. F. S. Miller:** No, I am not. I simply say my ministry obviously does not get involved in the direct discussions between the unions and the company. I do not think we should because we could do more harm than good. My colleague, on the other hand, has very experienced people who know how and when to do these things.

I assure the member opposite that it is in our interest and I hope to see this resolved. I hear the other potential buyer from Manitoba making sounds saying, "I am still ready to take the deal and move it all out of Ontario." Obviously, we want to keep it here.

**Mr. Gillies:** Mr. Speaker, my friend the member for Brant-Oxford-Norfolk (Mr. Nixon) is quite right. The report is very confusing because the representative of Borg-Warner has said, "This is not a negotiating tactic, it is for real." But he also said he is "hoping the union may come to its senses" and approach the receiver.

My information is that the UAW and Borg-Warner are only about 15 cents apart in negotiating a new contract and that they are very close to resolving the question of back pay. In view of the government's very considerable investment of some \$8 million or \$9 million in this company, will the minister undertake to tell me and the other members of this House that he will not allow White Farm Equipment to move out of Winnipeg but will use his good offices to keep it where it belongs, in Brantford?

**Hon. F. S. Miller:** My colleague's question

assumes I can order them to stay where they are. If I could, I would. It is as simple as that.

I obviously want them to stay in Ontario and I obviously want them to stay in Brantford. I can only assure the member we will do whatever we can, but there is a role for the two parties, too. It was the second quote that gave me some glimmer of hope. I saw it as an indication that the company was at least still willing to listen.

**Mr. Peterson:** Mr. Speaker, I am disturbed, frankly, that the minister and the government are not a little more up on this situation. He knows how hard he works to create jobs in this province, and we face the spectre of 1,000 lost jobs. Surely this is worthy of a herculean effort on his part and on the part of the Minister of Labour and anybody he deems necessary in that exercise. I am disturbed by the indication of hesitation on the part of the minister, that he is not prepared to take a little more initiative.

May I ask him to take the initiative in conjunction with his colleague? If the differences are as small as 15 cents an hour, there may be a resolution here. There is some meeting of the minds, but it has clearly broken down. Who knows when the minister personally and his offices may be able to break that logjam?

I am asking him on behalf of the people of this province and of Brantford in particular to make sure he exercises every single possible power he has to try to make this thing happen.

10:50 a.m.

**Hon. F. S. Miller:** Of course we do; but at the same time I am sure I have heard many times from all sides of the House that we should allow the process of negotiation that exists between these parties to be as free as possible. I can only suggest that further questions on the process of negotiation are better directed to my colleague the Minister of Labour than to me.

#### TRUST COMPANIES

**Mr. Rae:** Mr. Speaker, I had a question for the Premier about the conduct of the Minister of Community and Social Services (Mr. Drea). I was told the Premier (Mr. Davis) would be in the House for that question, and I hope efforts will be made to find him. He is on the list as being in the assembly this morning, and this is the last opportunity we have to ask him directly about that matter.

In the Premier's absence, I will go by way of another question to the Minister of Consumer and Commercial Relations. It concerns the question of concentration in the trust industry. I



am sure the minister is aware that the six largest trust companies operating in Ontario have 64 per cent of the total assets of all the trust companies operating in the province. I am sure he is also aware that the largest, Royal Trust Corp. of Canada, the Royal Trust Co., is itself owned and basically controlled by the Edward and Peter wing of the Bronfman family and that the problem of concentration in that industry goes through Royal Trust to Canada Trust to Victoria and Grey and Canada Permanent Trust.

Given this fact of concentration, which is undeniable, and the fact that these institutions are competing directly with banks that are subject to quite different rules with respect to concentration, why did his ministry reject the basic proposal that there be a share limitation in terms of ownership in the trust industry when most observers recognize that the problem of concentration in the trust industry is growing and becoming more serious and more difficult to control?

**Hon. Mr. Elgie:** Mr. Speaker, first of all, in a broad sense, and I am sure there was no implication otherwise, the issue of concentration of power and competition and so forth is not a matter within the jurisdiction of this government. The specific issue raised is the issue of the trust companies and the recent white paper proposals. I know the view of the Leader of the Opposition (Mr. Peterson), which was well accepted in a recent by-election, is that there should be limitation of ownership with respect to the trust companies in this province. I think I have answered this before, but I am pleased to do it again for members of the House, because we did go through a very careful and thorough deliberation on this issue and we concluded as follows.

First, if one looks back historically, the situation with respect to the banks and the limitation of ownership there was first imposed at a time when economic nationalism was in everybody's mind. That was one of the primary reasons it was put in place. This government, through legislation in the securities industry and the trust industry, similarly dealt with foreign ownership within those industries. I am sure the member appreciates that.

Second, it was not a difficult situation with respect to the banks. As the member knows, ownership of banks is widespread among a number of mutual funds and a number of individuals so it was not a matter of great consequence. Third, it has not been our impres-

sion that limited ownership in the banks has avoided concentration of power within the banking community. Indeed, what we seem to see is that the concentration of power continues to grow within that industry.

Finally, the recent proposals of the federal government with respect to limitation of ownership, which I am not sure they now support—indeed, I have evidence to believe otherwise—were related to companies with deposits of over \$1 billion. Certainly, on the basis of our recent experience, those proposals would have had no effect whatsoever.

I am sure the member will also take notice as he reviews the white paper proposals that one of the criteria we propose the registrar look at when he is approving a transfer of a trust company is the issue of competition.

**Mr. Rae:** It is unbelievable that the minister would take the view that the question of competition is solely in the jurisdiction of the federal government when he knows full well trust companies that are incorporated in Ontario come fully within the jurisdiction of the government of Ontario and fully within the jurisdiction of this Legislature. He knows that.

**Mr. Speaker:** Question, please.

**Mr. Rae:** Does the minister think it appropriate that one individual, Henry N. R. Jackman, Esq., should control not only Victoria and Grey Trust Co. and the Premier Trust Co., but should also have a controlling interest in the National Trust Co. Ltd. In turn, Victoria and Grey has interests in the Casualty Co. of Canada, Dominion of Canada General Insurance Co., the Debenture and Securities Corp. of Canada, etc. The degree of financial concentration in the insurance industry, the finance industry and the trust industry is growing and it is growing in a sense that is profoundly worrisome to many observers of the financial scene who are not. I might point out, members of the New Democratic Party.

Is the minister concerned about that degree of concentration? Is he concerned about the interests that are being held now by trust companies in the insurance industry and elsewhere? Is he concerned about the impact this is going to have on competition and a degree of real fairness in the whole financial services field?

**Hon. Mr. Elgie:** Mr. Speaker, I think a perusal of the white paper with its conflict of interest provisions and its other comments with respect to the issue of holding companies and their



control of a diversity of industries will show these are matters we have looked at.

I find it intriguing that in the first part of the member's question he referred to Royal Trust, Canada Trust and so forth, all federally incorporated companies, but the final so-called coup de grace came in reference to Victoria and Grey. Is there some reason he has to believe that company is not acting appropriately and has not been responsible or accountable to the shareholders and fair to this province in an honest and honourable way?

**Mr. Renwick:** That is deliberate misrepresentation by the minister.

Interjections.

**Mr. Rae:** That kind of comment is really beneath the minister. There was no—

**Mr. Speaker:** Order. Final supplementary please.

**Mr. Rae:** Mr. Speaker, let me be very clear and let the minister be very clear as to what he is saying. What we are talking about is a trend which has been worrying observers of the scene in this country for a very long time. It has to do with the degree of concentration in the trust industry which is not subject to any rules with respect to dispersion which other financial institutions are subject to. He should not talk about anything else because nothing else has been mentioned in this House and the minister knows it.

Is the minister aware of the statements that have been made by the former chairman of the Ontario Securities Commission, Mr. Knowles, who has expressed a profound concern about the fact that a very few families now have control not only of the trust industry but also of the insurance industry? Is he aware of that fact? Is he aware of Mr. Knowles's opinions in this regard? What does he intend to do about it in terms of the future of this province and the ability of the little people to be able to compete with these giant companies which are gaining a control over the whole structure of the financial and insurance industry in Ontario?

**Mr. Speaker:** Just before the minister responds to that, I would ask the member for Riverdale (Mr. Renwick)—and I am sure he made the remark in an emotional outburst—if he would withdraw the observation he made.

**Mr. Renwick:** There was nothing emotional about it. I am surprised at the minister, but I certainly will withdraw it if you think it is improper, sir.

**Mr. Speaker:** Thank you very much.

**Hon. Mr. Elgie:** Mr. Speaker, I am aware Mr. Knowles made a speech. I must confess I have not read it. I am aware, as I am sure the honourable member is, that there are a variety of debates and discussions going on in the financial institutions area in general today. I think if the member had had the opportunity to read the remarks I made to a group meeting on Monday to discuss those issues, he would have read that I do not think the changes that are taking place in the financial institutions area should take place without government involvement. I think public involvement is very important in the reputation and integrity of those institutions and that government involvement is important in the management and consideration of changes that take place in that industry. I committed myself to being involved in that process.

#### CHILD ABUSE

**Mr. Rae:** Mr. Speaker, I would like to address a question to the Attorney General, in the absence of the Premier (Mr. Davis), who we were all told would be here today, the last day on which we have an opportunity to question the leader of the government. He was able to make a 15-minute speech with respect to an election victory in Stormont, Dundas and Glengarry, but he is not here to answer leaders' questions with respect to the operation of the government, which I find absolutely incredible.

**Mr. Speaker:** Question, please.

11 a.m.

**Mr. Rae:** I would like to address a question to the Attorney General concerning the remarks that were made both inside the House and outside this chamber by his colleague the Minister of Community and Social Services (Mr. Drea). I asked the Attorney General, on the day those remarks were made, whether he would make an inquiry with respect to the law. I would like to ask him whether he has made that inquiry and whether he is prepared to make a report to the House with respect to those remarks.

**Hon. Mr. McMurtry:** Mr. Speaker, what I said was that we were looking into the matter. As the honourable member knows, there are a number of allegations of statements made outside the House. We will be reporting to the House when we have an opinion.

I know the leader of the New Democratic Party would like to turn this into some sort of political football. However, I am not going to do it.

**Mr. Rae:** It is obvious the Attorney General is not going to do anything. He has had four days in which to interview the parties involved. He has had four days in which to interview the woman involved. He has had four days in which to interview the Minister of Community and Social Services and to look at the section of the legislation.

There is no alternative but to suggest that he is not prepared to come into this chamber to make a report with respect to the activities of one of his colleagues when it is clearly in breach of the statute and clearly in breach of his obligations as a minister to protect the confidentiality of records on the child abuse register.

When is the Attorney General going to make this report, if he is not going to make it today?

**Hon. Mr. McMurtry:** I have nothing further to add.

**Mr. Rae:** This represents an absolute and total cover-up by the government with respect to the conduct of the Minister of Community and Social Services, nothing more and nothing less.

**Hon. Mr. McMurtry:** That is total nonsense.

**Mr. Speaker:** Order. Will the Attorney General please resume his seat?

**Mr. Rae:** He should have the courage to come into this House or the courtesy to answer the question.

**Mr. Speaker:** Again, I call the attention of the leader of the New Democratic Party to the language he used.

**Mr. Bradley:** To which you listened with great interest.

**Mr. Speaker:** Yes, I listened with great attention. However, I would ask the leader of the New Democratic Party to withdraw his remarks in the interest of—

**Mr. Laughren:** It's not unparliamentary.

**Mr. Speaker:** I beg your pardon?

**Mr. McClellan:** It was not an unparliamentary remark.

**Mr. Speaker:** I am not suggesting that it was.

**Mr. R. F. Johnston:** You make political and parliamentary and all sorts of—

**Mr. Speaker:** Order.

**Mr. Martel:** Distortion. That is if—

**Some hon. members:** Sit down.

**Mr. Speaker:** We can both stand here all day, you know.

**Mr. Martel:** You can do what you want.

**Mr. Ruston:** Let's adjourn the House.

**Mr. Speaker:** Order.

**Mr. Martel:** Mr. Speaker, for the last couple of weeks, you and several of your deputies have simply added words. Last week, I was forced to withdraw the word "distort." Are you going to continually add to the list daily, or are you going to have some guidelines? Just what is it? If you do not like something, it is out of order.

On that side of the House, the minister just made an accusation against my leader. That was quite fine. He deliberately distorted what my leader said. However, you did not say anything. It was an inference against my leader, but that is okay.

You either conduct this in an impartial manner or they will start dreaming up new words to dump on your list every day.

**Mr. Speaker:** Do not come in here and assume you can give me direction.

**Mr. Martel:** Well, don't you either. Just show some fairness and we'll accept it, or we won't play the game.

**Mr. Speaker:** Order. I did not hear any inflammatory language on the part of the minister.

**Mr. Laughren:** No, you never do.

**Mr. Martel:** It does not have to be inflammatory. You can slip it in nicely, and then it is okay, isn't it?

**Mr. Speaker:** You are the teacher, not me.

**Mr. Martel:** You're supposed to be—

**Mr. Speaker:** I am indeed. For the information of all members, it is not a question of whether the language is unparliamentary or not. I have mentioned this many times. It is the context in which it is used.

**Mr. Breithaupt:** It's not what you say, it's how you say it.

**Mr. Speaker:** Just a minute.

**Mr. R. F. Johnston:** Get Mary Brown in here then.

**Mr. Speaker:** Order.

**Mr. Martel:** Mr. Speaker, when my colleague the member for Riverdale (Mr. Renwick) got up and said that the minister—

**Mr. Speaker:** Order.

**Mr. Ruston:** Let's adjourn until next Monday. Interjections.

**Mr. Speaker:** Order. I have asked the member for York South to—

**Mr. Martel:** Well, ask the minister to withdraw too.

**Mr. Speaker:** No, he—well, I am not going to get into an argument.

**Mr. Martel:** I know; don't ask him.

**Mr. Speaker:** I imagine the member for York South has given the matter due consideration and, in the interest of the decorum of the House, he will please withdraw his remark.

**Mr. Rae:** Mr. Speaker, I have always respected the chair. If you feel the use of a term is unparliamentary, I will not use that term. The substance of my remarks is a matter of record, and the record of the government is a matter of record. But I have always respected your judgement with respect to the use of language.

**Hon. Mr. McMurtry:** Mr. Speaker, the leader of the New Democratic Party has made a serious allegation against two members of this Legislature, one of whom is a member of the executive council. The other is the member for Hamilton Centre (Ms. Copps). As the Attorney General and as the senior law officer of the crown in this province, I regard such an allegation as a very serious matter.

After the question was asked, within an hour I had instructed my staff to look into the matter, to review the facts as we can ascertain them through press and media reports as well as what was stated in this House. When we have an opinion to express on this matter, we will express it. Given the interest in the matter, and as the House obviously will not be sitting for some weeks, I will be quite prepared to make a public statement at the appropriate time.

But in a matter of this seriousness, which requires some careful consideration and review, we are not going to be stampeded into rushing through with some opinion just to suit the member's own partisan political agenda.

**Mr. Martel:** Mr. Speaker, what about the tone?

**Mr. Rae:** Mr. Speaker, you say I am imputing motives. Is that not imputing motives?

Interjections.

**Mr. Speaker:** Just give me an opportunity before you give me directions. I am sure the Attorney General would rather withdraw the use of those words.

**Hon. Mr. McMurtry:** Mr. Speaker, if you feel suggesting they have a political agenda is unfair, I will withdraw it. I would not have thought they would have chosen to deny that fact.

#### DELAY IN COMPLETION OF HOMES

**Mr. Epp:** Mr. Speaker, I have a question for the Minister of Consumer and Commercial

Relations relating to the Markham situation. The minister is aware of the terrible situation that exists with the 21 families that paid out thousands of dollars, in many cases their life savings, as deposits to purchase homes in Markham. This situation has been dragging on for some time and no solution is yet in sight since the developer and builder are squabbling over who owns the lots and are taking each other to court. The Toronto Home Builders Association has hired a lawyer to represent the home buyers. Because of these circumstances, the home warranty program is unable to help those people until the courts determine who is at fault.

In view of the fact that this is a situation without precedent, and it has been alleged the families cannot recover their money until the judicial process has run its course, will the minister look into this situation to see whether some special action could be taken in this unique situation, such as an order in council to enable the Housing and Urban Development Association of Canada to reimburse the 21 families? One of several other suitable mechanisms could be employed, such as an *ex gratia* payment or a payment and release whereby the government would be subrogated to any future recovery in the courts.

11:10 a.m.

**Hon. Mr. Elgie:** Mr. Speaker, I am aware of the situation and I agree with the honourable member that it is not just unfortunate, but is tragic from the point of view of those people who have put deposits down and have now spent some considerable time respecting the debates and the battles that are going on legally.

At the moment, I am not prepared to discuss it in any greater detail for reasons I hope the member will respect. I can only say we are exploring all possible options to endeavour to be of some assistance to those people. I happen to think the mere statement that somewhere down the line, if they are out their deposits, they will be covered, does not help them, because it is such a prolonged and, I am sure, very troublesome issue for many of them.

**Mr. Epp:** I am sure the minister agrees that the situation must not be allowed to happen again. Under the present system the onus is on the home buyer to insert a clause in his contract nullifying the deal if the house is not completed by a certain date. In many cases, such as the Markham situation, the builder can simply refuse to accept this clause. Therefore, what constitutes a reasonable delay in completing the home has to be decided by the courts.



In view of this, would the minister consider the merits of legislation providing for standard contracts for home purchases that include a clause dealing specifically with the time allotted for completion of the home, allowing for this time to be flexibly negotiated between the home buyer and the builder but, in any event, not less than 180 days, and ensuring through this device that the time needed to complete the home is clearly spelled out and is settled before the deposits are made?

**Hon. Mr. Elgie:** I am sure the member appreciates that it is not by way of question in this chamber that any decision will be made as to whether any action will be taken to try to avoid situations like this in the future. I think the fact that I have indicated we see it as more than an unfortunate situation—it is tragic for those people—means we will be exploring a number of options and looking at possibilities.

**Mr. Renwick:** Mr. Speaker, the minister has had this matter under consideration for a considerable period of time. Was his first response to the member for Waterloo North to the effect that he has exhausted all the available options open to him and that these persons are going to suffer that direct loss?

**Hon. Mr. Elgie:** No, Mr. Speaker, I did not say that. What I said was that a number of options are still being explored, and I would prefer not to discuss them in the House at this time.

**Mr. Cousens:** Mr. Speaker, I have a supplementary on the whole question of there being a precedent for this. I would like to ask the minister whether he could comment on precedents to this kind of situation where the government does go beyond the limits of HUDAC to assist home owners in this matter.

**Hon. Mr. Elgie:** Mr. Speaker, I do not think there is any legislative authority for the government to make the kind of payment the honourable member is talking about. The home warranty program is set up by HUDAC and really functions on the basis of its own income. The member has raised this with me on many occasions, and I want to assure him that we are exploring options with respect to the very difficult problems these people are facing.

#### REBATES FROM ILLEGAL RENTS

**Mr. McClellan:** Mr. Speaker, I have a question to the Minister of Consumer and Commercial Relations. I want to ask whether he is aware of a company called Rent Recovery Service, 6013 Yonge Street, Willowdale. It is a private

business set up to collect rebates for tenants from landlords who are charging illegal rents. As its fee for services, this company charges 50 per cent of any moneys collected from landlords who are charging illegal rents.

Do I understand that illegal rents are so widespread in this province that private entrepreneurs can set up a business and make a living out of half the proceeds of illegal rents? How long has the minister known about this company, Rent Recovery Service? Why has he done nothing to prevent the flagrant violation of Ontario's residential tenancy law by landlords who charge illegal rents?

**Hon. Mr. Elgie:** Mr. Speaker, I confess I have not heard of this company, nor have I been advised of its existence.

I take umbrage with the statement that the government and the Residential Tenancy Commission have ignored or avoided the issue of illegal rents. I am sure the honourable member knows full well that even during this fall there were numerous charges, and to the best of my recollection there have been some convictions registered with respect to the whole issue of illegal rents.

As we know from the annual report, a number of situations with respect to rental payments have been mediated successfully. The member also knows that the Stuart Thom commission in phase one of its report presumably will be looking at matters like that. So to say that the government is ignoring it is not quite accurate.

**Mr. McClellan:** The minister may be interested to know that Rent Recovery Service is having a Christmas sale. This week they are charging only 10 per cent of any moneys they rebate to tenants that are recovered from illegal rents. Is the minister not aware that the Federation of Metro Tenants' Associations legal service wrote to him on November 18 about this very matter? Does he not read his mail?

May I ask the minister for an assurance that in the spring session of the Legislature he will bring forward legislation to establish a mandatory rent registry and to empower the Residential Tenancy Commission to hear and investigate complaints from tenants about illegal rents, to audit rents that are being charged in this province and to enforce the law, with stiff penalties for violations?

When does he intend to stop permitting the residential tenancies law of this province to be flouted with impunity by any landlord in Ontario who wants to charge illegal rents? When is he going to start enforcing the laws of this province?

**Hon. Mr. Elgie:** Again, I did not even know there was a special of 10 per cent. I would have thought the number on the member's mind these days would be—is it 2.9 per cent or three per cent? I cannot recall the figure, but I know that is a figure the member does not want to talk about much these days.

I must confess that I honestly do not recollect being advised about that firm, and if that warrants an apology, then I offer it. But I am not trying to withhold anything; I am not trying to avoid issues. Certainly no one has ever accused me of that.

However, I think the member opposite is avoiding the issue when he suggests there has been any lack of interest in prosecuting those who have been found to be charging illegal rents. I do not think the record substantiates that, and if the member honestly reviews charges laid this past fall, I think he will have to agree with that.

As to what the government will be proposing by way of legislative change, when the Thom commission report comes in it will be reviewed and evaluated by me and my colleagues on this side of the House, and proposals will be put forward before the Legislature for the consideration of the whole Legislature.

#### HOSPITAL ADMITTANCE DELAYS

**Mr. Wrye:** Mr. Speaker, my question is to the Minister of Health. I want to bring to his attention the continuing intolerable delays that are taking place for people all over southwestern Ontario who need specialist operations in London hospitals.

I do not want to name my constituent in this place, but I will send the minister all the pertinent information. My constituent developed cataracts suddenly last year and has been blind for nearly a year. She is a 52-year-old widow and will need someone to care for her until she has an operation to restore her sight. This past Monday my constituent saw Dr. Charles Dyson, a specialist in this kind of surgery in London, who informed her that he would not be able to book her for surgery until January 1985.

Will the minister please look into this specific situation? Will he tell us why a woman like this, faced with these enormous problems, has to wait 13 months for an operation to restore her physical and, obviously, emotional health?

**Hon. Mr. Norton:** Mr. Speaker, I certainly shall. It does sound rather extraordinary that the time to book such surgery should be that far

into the future. There may be some factors that are not apparent on the face of the information available at the moment, but I will be pleased to check further into it.

**Mr. Wrye:** The problems of bed shortages in London, especially with the number of specialists serving that area of the province, were raised with the minister's predecessor as far back as June 1983. The fact is that the physician in question in this matter, Dr. Dyson, who is one of Ontario's renowned specialists in this area, has just 13 beds a week assigned to him and sees between 20 and 30 new patients every week from all over the area. It is also a fact that this critical bed shortage affects not just my constituent but people from all over southwestern Ontario.

11:20 a.m.

How can we expect the government of this province to provide adequate beds for hospitals such as the Victoria and University hospitals, which serve such a large area and population of this province, when the minister will not act on many of the recommendations that his consultant reported to his ministry as early as the spring of this year?

**Hon. Mr. Norton:** I think if the member has addressed this issue with any degree of intensity he will understand that the situation he describes with respect to a particular physician or a particular service may not represent a general bed shortage at all. In fact, in some hospitals, by virtue of what I think personally are sometimes antiquated methods of allocating beds, they can end up with a surplus of beds in some services and an apparent shortage in others. It is incumbent upon the administrations and the boards of those hospitals to try to come up with a more effective way of allocating beds.

If the situation described represents a general problem with respect to bed availability in the hospitals to which the member refers, then I will certainly report back to him. But I will have to check further to get more details.

**Mr. Cooke:** Mr. Speaker, the minister must realize that the hospitals in London are not just hospitals for the London area; they are regional hospitals that serve the entire area of southwestern Ontario.

I raised this matter in the Legislature in the spring and the minister's predecessor said the matter was under control and additional beds were going to be put in service in order to meet the need because of the consultant's report.

When is the minister going to put the beds in



service so that people are not having to wait months, and in this case a year, in order to get so-called elective surgery? Does he not understand what he puts people through when they have to wait several months?

**Hon. Mr. Norton:** Mr. Speaker, I am sure the member knows that if my predecessor made that statement to him, then it is the truth. My predecessor would never mislead that member or any other member of this House, either advertently or inadvertently; and he agrees with me.

**Hon. Mr. Grossman:** I might deceive you, but nobody else in this House.

**Hon. Mr. Norton:** That is right. He says he might mislead me, but nobody else in the House.

I shall report to the member as well as soon as I have the information available.

#### AUTOMOTIVE PRODUCTION

**Mr. Cooke:** Mr. Speaker, I have a question for the Minister of Industry and Trade. The minister will know that it will be one year next Friday since Chrysler Corp. cancelled its engine proposal, which had been worked out with both the provincial and federal governments. The minister will also know that in the last few years Chrysler Corp. in Windsor has closed its truck plant, its engine plant and its spring plant and that there is no car being built by that company in Canada.

In view of the fact that this company signed the Federal Task Force on the Canadian Motor Vehicle and Auto Parts Industries report, and in view of the fact that the company is not living up to a 60 per cent Canadian value added in its own company, what action is this government prepared to take to make sure the engine plant in Windsor is reactivated so that, instead of importing hundreds of thousands of engines from Japan to be put into Chrysler products, we will produce those engines here in Canada?

**Hon. F. S. Miller:** Mr. Speaker, in fairness, I think my friend—who I believe attended the opening of the new Chrysler plant not long ago, did he not?—will realize that perhaps the biggest single investment Chrysler has ever made in any single location, \$400-odd million, was just made in Windsor, Ontario.

I believe the number of people currently at work includes most, if not all, of the people laid off. They have put into Windsor what we hope is one of their potentially most successful products. It required a restructuring of facilities. The one that was moved down to the United States,

the Fifth Avenue rear-wheel drive plant, while successful, is seen as a short-term product, whereas the one put into Windsor looks like the coming generation of product.

I am sure he is also aware that the engine plant he talked about last year, by my recollection, was a Perkins-Massey-Chrysler deal related to diesel; that for the time being diesel engines have lost something of their market demand and that this was more the reason behind the change than any, as I recall.

With respect to the 60 per cent bit, does the member want me then to cut Chrysler off or recommend that it be cut off entirely and see that the jobs all go to the US? I do not think he does.

**Mr. Cooke:** It is a pretty silly response. The reality is that there are 6,000 fewer jobs at Chrysler than there were in 1978 and they are importing hundreds of thousands of engines from Japan, not diesel engines but engines that could be produced in that plant.

Does the minister not feel it is absolutely essential that we get diversification in that city and in the auto industry? We should not be reliant on a van-wagon and a van, in case the sales go down. When a car company is producing a car we should also be doing some parts, an engine. Does the minister not feel it is his responsibility to work with that company, which is now making record profits and has invested only half of what it originally promised it would invest in Canada in retooling?

**Hon. F. S. Miller:** Of course, it is in our long-term interest to see that happen. Three years ago, probably the member and certainly I did not believe we would see the company in existence. It has made very real strides. I believe we will see success. The 2.6-litre engine the member is talking about is a Mitsubishi engine. Whether I like it or not, the world car exists today.

The issue is not whether the engine is from Mitsubishi. The counter issue is what we ship to make up for the things we import. That is the field I have been working hard on. That is why my speeches of late have stressed that we have to deal with the Japanese on the basis that there must be 60 per cent Canadian content. That is why I have supported the task force to Ottawa. That is why I am asking Mr. Lumley, who comes from Windsor, and three federal ministers to stand up with us and say, "There must be 60 per cent on the Japanese cars."

**Mr. Wrye:** Mr. Speaker, I suppose I come at



this a little differently from my friend the member for Windsor-Riverside (Mr. Cooke) who continues to complain that we do not have a car in spite of the fact the van-wagon is likely to be the biggest seller and the most pleasant surprise Chrysler will have in many a year. I am glad Chrysler has chosen to put it in Windsor.

We have an empty engine plant. In Windsor we have one of the highest rates of unemployment in the province. About the only areas I can think of that are higher are Sault Ste. Marie and perhaps part of the Niagara Peninsula. What specifically is the minister doing to try to convince Chrysler to either put that engine plant back into operation and well over 1,000 people back to work or, as an alternative, to get Chrysler Corp. to build some other parts in Windsor so that we can get that 60 per cent value added and have those exports?

**Hon. F. S. Miller:** Mr. Speaker, unless my arithmetic is wrong, I understood that Chrysler, and at times Ford, were not complying with the strictest terms of the auto trade pact. On the other hand, the last time I saw the overall Canadian figures for the value added in Canada, we were well ahead of the projections and the requirement in total. As the member knows, there has been an anomaly in trade in the past two years. We have had a trade surplus in the sum total of auto parts and cars with the US.

Whether I like it or not, if an analysis is made, a good deal of that was due to Chrysler Corp. contrary to the image being given here now. The products they were making were selling very well. It was only a short while back I heard my colleagues being criticized in this House for not putting pressure on General Motors, Ford and Chrysler to put the products in Canada that were seen to have a future. We now have them. We have them in every company. We are making good progress.

I will be continuing to put pressure on the company now that it is able to invest some money. At the same time, I hope the members will all be kind enough to realize that when we do help a company like Ford put an engine plant into Windsor, it is a bit tough when we are not thanked for it, and by some people we are even criticized for it.

**Mr. Sweeney:** Mr. Speaker, before I ask my question, could I direct a comment to the Minister of Industry and Trade? I understood the content legislation was Canadian parts for

Japanese cars, not Japanese engines for Canadian cars. Maybe we had better check.

**Mr. Speaker:** Now to the question, please.

11:30 a.m.

#### HOSPITAL ADMITTANCE DELAYS

**Mr. Sweeney:** Mr. Speaker, my question is to the Minister of Health. In responding to my colleague the member for Windsor-Sandwich (Mr. Wrye) with respect to bed shortages in London, I recall the minister saying something to the effect that the problem is not widespread. I want to draw to his attention that four weeks ago during his absence, the acting Minister of Health, the member for Scarborough North (Mr. Wells), was asked a question with respect to bed shortages in Kitchener-Waterloo. I hope the minister has been given that information.

At the time, I drew to the acting minister's attention that seven patients in Kitchener-Waterloo Hospital had to have their surgery cancelled because of a lack of beds. It was discovered that 58 beds in that hospital were being occupied by people who were waiting to go into nursing homes and chronic care facilities.

The acting Minister of Health said he would have the ministry review the request of the local health council to have additional chronic and nursing home beds established in the Kitchener-Waterloo area. Can the minister indicate today whether or not that review has been carried out and whether or not a favourable response can be brought to my constituents?

**Hon. Mr. Norton:** Mr. Speaker, I presume the most important part of the question is the last part, whether or not there is an opportunity for a favourable response at this time. I would point out to the honourable member that I cannot give him any response because we are still awaiting the final word on the allocation of beds for this fiscal year.

I hope we will have the word on that in the near future. It would be only at that point that we would be able to review the priorities established by district health councils and the needs in the various communities across Ontario to establish province-wide priorities. I can only say at this stage that I would hope we will have the allocation firmed up early in the new year.

There is one additional point I would like to make, although the member may say it does not have a direct impact upon his question. I think it is not at all uncommon for us to experience what appears to be a shortage of beds, particularly in the fall. It is a very common phenomenon that

people choose not to have elective procedures done during the summer months and save their options, if they have them, until the fall.

I received letters early in the fall, particularly this year as it is my first year in this ministry, from patients complaining vociferously about that very fact. In one instance, a woman explained to me she had spent the summer at the cottage with her husband and had chosen not to have elective procedures performed during that time. She went to her doctor to get a date for the procedures and he told her the earliest would be November 1. She was very upset about that because it conflicted with her departure to Mexico for the winter.

**Mr. Speaker:** That is a very full answer.

**Hon. Mr. Norton:** We cannot build hospitals to meet those very specific needs in all cases.

**Mr. Sweeney:** I would draw to the minister's attention that neither I nor the local health council has requested that he build more hospitals. All we are saying is that the beds are there but they are being occupied by people who should be in chronic care or nursing facilities. Until these people are moved we will continue to have this problem, whether it is in the fall, the spring, the winter or whenever.

To back up that contention, we did a random sampling of nine nursing homes in our area. May I share with the minister the results so that he will know the impact of what I am talking about?

**Mr. Speaker:** Perhaps you could just ask the question.

**Mr. Sweeney:** Sunnyside Home had a three-month waiting list; Millwood Manor, six months; Maryhill, up to five years; Pinehaven, one year; Cambridge Country Manor could not even give me a figure; Heritage House, six months; St. Raphael's could not give me a figure.

**Mr. Speaker:** Question, please.

**Mr. Sweeney:** Nine at random all had very long waiting lists.

The prompting for my original question was a 97-year-old woman living with her quite elderly daughter who physically could no longer look after her. She was trying to get into a nursing home. This is the impact.

Would the minister not agree, in view of that kind of waiting list in one community, that the request to the local health council is not a frivolous one? It is based on fact. We cannot have 97-year-old patients being looked after by their own elderly children. As an aside, I should point out that the 97-year-old woman is now in a

hospital bed because there was no place else for her.

Would the minister not more seriously, more quickly and with greater immediacy look at the need in our area, and I suspect in other areas as well? He is not going to solve the problem of the shortage of active hospital beds if he does not deal with the chronic and nursing home problem.

**Hon. Mr. Norton:** I did not deny there is a problem and that there is a need for more nursing home and chronic beds in the province. I point out, though, that one has to be careful about accepting all waiting lists and waiting periods at face value. Sometimes they do not bear up under close scrutiny. I caution the member on that.

As I say, I am not denying it. We have a request currently before Management Board for approval of allocations in this fiscal year for both nursing home and chronic care beds. As soon as I have those, I will be in a position to make appropriate decisions.

The member is right in saying there are other areas of need. The Bruce Peninsula is another one that comes to mind—

**Mr. Speaker:** Thank you.

#### STATUS OF AGRICULTURE INSPECTORS

**Mr. Swart:** Mr. Speaker, the Minister of Agriculture and Food (Mr. Timbrell) promised to be in the House for my question, but I do not see him.

**Mr. Speaker:** Maybe you can ask somebody else.

**Mr. Swart:** Perhaps I will put the question to the Minister of Labour (Mr. Ramsay). I wonder whether the minister can explain why eight regular summer employees—

**Mr. Eakins:** Here he is; change it.

**Mr. Swart:** May I change it, then, as the Minister of Agriculture and Food has come in, Mr. Speaker?

**Mr. Speaker:** I would just direct your attention to the clock.

**Mr. Swart:** I will pose my question to the Minister of Agriculture and Food while he is coming to his seat. I wonder whether he will explain why eight regular summer employees of his ministry at Vineland were told at the beginning of the past summer that they would not be re-engaged this year as ministry employees but would have to go on contract if they wanted to work, even though they were doing exactly the same kind of inspection work they had been

doing in previous years. They were told these orders came from the ministry's office at Queen's Park.

As a result of this contracting out they lost their workers' compensation, Canada pension and unemployment insurance benefits as well as their seniority rights.

**Mr. Speaker:** Question, please.

**Mr. Swart:** Is the minister aware that the Department of National Revenue ultimately ruled that one must pay into the Canada pension plan and that they won, retroactively, their workers' compensation coverage?

Will the minister explain why this contracting out took place, why these employees should be the sacrificial lambs in his ministry's policy to try to cut down on the number of its employees, and do it by contracting out? Will he reconsider and retroactively try to get these employees reinstated under the Canada Employment and Immigration Commission so they can draw their unemployment insurance benefits?

**Hon. Mr. Timbrell:** First, Mr. Speaker, I am going to take the question as notice. I have a vague recollection of some of the facts about it. It was six months ago and I wish the honourable member had raised it at that time. I will get an answer to the member. I want to emphasize, though, that in terms of the inspection work they did, that did carry on. The services of the ministry were not affected.

As I say, I cannot recall all the details. I would rather get the information and give the member a complete answer. I will take the question as notice this morning. I realize the House will likely rise today, but I will get him an answer in writing as soon as possible.

#### RESPONSES BY MINISTERS

**Mr. Philip:** On a point of order, Mr. Speaker: On November 9, I put a question on the order paper concerning the transfer of certain contract employees when certain ministers, such as the member for London South (Mr. Walker), transferred their portfolios. Under standing order 81(d), the minister is required to provide at least an interim reply within 14 days. I have not even had the courtesy of an interim reply.

**Mr. Speaker:** I am sure the minister will take notice of your request and will respond.

**Mr. R. F. Johnston:** On a point of order, Mr. Speaker: I would like to bring to your attention that on three occasions during the past couple of months, one as early as the middle of

October, I asked a question of a minister who said in the House that he would respond quickly.

I asked one question of the member for Armourdale (Mr. McCaffrey), which was to be passed on. I have asked two of the Minister of Community and Social Services (Mr. Drea), one as recently as last week, which he committed himself to answer either Monday or Tuesday of this week.

I have had no answers to any of those questions. I have no means now, with the House being prorogued, to get those answers. I wonder whether you can look into what my rights and privileges are as a member in terms of a commitment to respond, made in the House, that has not been followed up.

11:40 a.m.

**Mr. Speaker:** I am sure you are well aware that is beyond my authority and jurisdiction. However, I assume the minister will take notice of your remarks. Perhaps he will contact you directly.

#### PETITIONS

##### TOXIC WASTE DISPOSAL

**Mr. Ruprecht:** Mr. Speaker, in view of the Toronto health department's recommendation yesterday to have the Canadian General Electric plant shut immediately to prevent the spread of polychlorinated biphenyls, this petition is very apt. It reads:

"To the Lieutenant Governor and the members of the Legislature of Ontario:

"We, the undersigned residents, demand that your ministry test immediately for PCBs, polychlorinated biphenyls, contamination in our soil and sewers, and in the ground of those companies which have used PCBs in their production. Since PCBs are extremely dangerous to human health and their use is now outlawed, we want you:

"1. To inform all chemical companies in our neighbourhood immediately to remove their stored PCB waste; and

"2. To remove and destroy all PCB-contaminated soil.

"A simple fire in any of these PCB storage sheds would cause another Mississauga-like disaster with catastrophic effects on our health."

##### NURSING HOME LAYOFFS

**Mr. R. F. Johnston:** Mr. Speaker, I have several hundred names on a petition, similar to the one brought in last week, from friends and people concerned about what has happened at



Ballycliffe Lodge and Kennedy Lodge Nursing Homes. I will not read the whole thing, just the final part of the petition, because I have read it into the record before.

"We petition as follows:

"That the government of Ontario amend the Ontario Labour Relations Act to stop the practice of contracting out work that could be performed by existing employees; and

"That the government of Ontario intervene on behalf of these 32 employees to protect the employment status of these workers."

It was appropriately made out to the Lieutenant Governor. I would like to table it now.

## REPORT

### STANDING COMMITTEE ON RESOURCES DEVELOPMENT

Mr. Barlow from the standing committee on resources development presented a report and moved its adoption.

**Mr. Barlow:** Mr. Speaker, this is actually the second final report. The first one was produced the other day in the local press.

The standing committee on resources development considered the report, *Reshaping Workers' Compensation for Ontario*, prepared by Professor Paul Weiler for the Minister of Labour and the related white paper on the *Workers' Compensation Act* which represents the response of the Ministry of Labour to Professor Weiler's report.

In considering these two documents, the committee focused its attention on the 21 major proposals of the white paper which comprised part 1 of the report. Other matters relating to workers' compensation, such as the treatment of existing claims, rehabilitation, retraining, right of action, some of which are mentioned either in Professor Weiler's report or in the white paper, were brought to the attention of the committee and are dealt with in part 2 of the report.

The report reflects written submissions, presentations and related discussions associated with some 53 organizations or agencies and nine private citizens who appeared before the resources development committee. Hearings were held in two phases, during September 1982 and in April through to June 1983. They included the history-making meeting on the steps of this Legislature.

Following the conclusion of the public hearings in June 1983, the committee held 23 days of in-camera deliberations in July, September,

November and December of this year to formulate this report.

As a result of this thorough review, the committee is convinced that the white paper and Weiler proposals for reform constitute a worthwhile and integrated reform package. While the committee has modified some of the proposals, the basic integrity of this comprehensive package for reform remains intact. The committee recognizes that all the 21 white paper proposals are important. However, proposals 1 through 4 and proposal 7, in particular, are recognized as being critical in establishing a new and more equitable basis for the compensation of injured workers and their dependants or survivors.

Many of the 21 proposals which relate to Workers' Compensation Board administration practices, particularly those relating to the establishment of independent appeal and medical review bodies, should serve to make board practices more open to external review and participation.

The committee is confident these procedures will provide improved mechanisms for the resolution of sensitive cases demanding careful consideration and judgement. Because of these extensive deliberations, a majority of committee members believe the white paper proposals for reshaping workers' compensation will result in significant improvement in compensation for work-related injuries in Ontario.

A majority of committee members also believe the new compensation system will result in an equitable and fair adjustment of assessments. We believe that under the new compensation system the employer will be under strong financial pressure to reduce the incidence of workplace injuries in that proposal 17 recommends a mandatory experience rating plan.

The committee looks forward to a positive response to this reshaping of the workers' compensation system from the Minister of Labour and from the government.

On motion by Mr. Barlow, the debate was adjourned.

**Mr. Laughren:** Mr. Speaker, on a point of privilege or perhaps it is even a point of view: I wonder if the chairman of the standing resources development committee would ensure that a copy of this report gets to every member's office today; not just to the mailboxes, because I think most members will get a lot of requests or queries about the report during the next few weeks.

**Mr. Barlow:** Yes, Mr. Speaker, I will attempt to have that accomplished.

## MOTIONS

### COMMITTEE SITTINGS

Hon. Mr. Wells moved that the standing committee on regulations and other statutory instruments and the standing committee on resources development be authorized to meet today.

Motion agreed to.

### HOUSE SITTING

Hon. Mr. Wells moved that the House sit beyond 1 p.m. today to complete its business.

Motion agreed to.

## INTRODUCTION OF BILL

### LIMITATIONS ACT

Hon. Mr. McMurtry moved, seconded by Hon. Mr. Wells, first reading of Bill 160, An Act to revise the Limitations Act.

Motion agreed to.

**Hon. Mr. McMurtry:** Mr. Speaker, I am pleased to move first reading of a new Limitations Act for Ontario. This bill has been a long time in development. Its origins go back to the report on limitations of actions published in 1969 by the Ontario Law Reform Commission. As an aside, I recall that the first question I was asked as Attorney General by Vern Singer back in 1975 was about when we were going to introduce this new Limitations Act.

There have been many developments in the law since that time, and the bill also draws on developments in other jurisdictions, on the work of the Uniform Law Conference of Canada and discussion of the draft Limitations Act which was circulated for comment by my ministry several years ago.

**11:50 a.m.**

The purpose of the new Limitations Act is to consolidate, rationalize and clarify the law relating to limitation of actions. This is a major step in making the law simpler and more accessible to the average citizen. In the future, the Limitations Act will be the repository of all limitation periods affecting the bringing of actions in the courts of Ontario. Many special limitation periods that now exist in statutes other than the Limitations Act will be repealed. Others that are required to be kept for a variety of reasons will be required to be scheduled to the new Limitations Act in order to be effective.

One of the most significant reforms in the bill is the provision that in respect of certain types of action, including personal injury and property damage actions, time will not run out until a potential plaintiff has sufficient information to know he or she has the right to bring an action. In addition, the bill contains a general provision about liability that applies to all types of actions. Time will not run out against someone who is under a legal disability such as mental incapacity or minority. Never again will anyone in Ontario lose the opportunity to bring a law suit before he or she can reasonably be expected to know the right to bring it exists.

I might mention very briefly a few other features of the bill. In the future, the crown will be bound by limitation periods. Provision is made in the bill, in accordance with the recommendations of the Ontario Law Reform Commission, for the elimination of the acquisition of easements in land through length of possession. This will simplify transactions involving real property.

In addition to these, there are many other provisions in the bill that modernize and clarify many technical aspects of the law of limitations. I look forward to detailed consideration of the bill by this assembly later today.

**Mr. Nixon:** On a point of personal privilege, Mr. Speaker: I know the Attorney General is in his usual good humour, so I thought I should tell you, sir, in his presence, that he mentioned Vern Singer's interest in limitations and in statutes pertaining to them. I understand Mr. Singer is approaching statutory retirement in his appointment to the Ontario Municipal Board.

If, in fact, his appointment is allowed to run out, he is looking forward to contesting the Liberal nomination in Wilson Heights. Under the circumstances, therefore, I suggest his appointment might be extended for 25 years just to keep the incumbent there in his seat in as safe a position as he possibly can be, even though it is precarious at the best of times.

**Mr. Rotenberg:** Mr. Speaker, I would indicate to the member for Brant-Oxford-Norfolk I would be more than delighted to have a rematch with the former honourable member in my riding, if that is the situation. I have no fear of him whatsoever.

**Mr. Cureatz:** On a point of order, Mr. Speaker: I am confident the Attorney General will be providing all lawyers of the assembly with some detailed information about the bill he is going to

be passing so soon this afternoon. Will he not be?

### ORDERS OF THE DAY

#### MALTON MEMORIAL RECREATION ASSOCIATION ACT

Mr. Jones moved second reading of Bill Pr30, An Act to revive the Malton Memorial Recreation Association.

Motion agreed to.

Third reading also agreed to on motion.

#### CITY OF NORTH YORK ACT

Mr. Williams moved second reading of Bill Pr51, An Act respecting the City of North York.

Motion agreed to.

Third reading also agreed to on motion.

#### TECO MINES AND OILS LIMITED ACT

Mr. Cureatz moved second reading of Bill Pr52, An Act to revive Teco Mines and Oils Limited.

Motion agreed to.

Third reading also agreed to on motion.

#### CITY OF OWEN SOUND ACT

Mr. Nixon moved, on behalf of Mr. Sargent, second reading of Bill Pr53, An Act respecting the City of Owen Sound.

Motion agreed to.

Third reading also agreed to on motion.

### COMMITTEE SITTINGS

Hon. Mr. Wells moved, seconded by Hon. Mr. Ramsay, resolution 15.

Reading dispensed with [see Votes and Proceedings].

Hon. Mr. Wells moved, seconded by Hon. Mr. Ramsay, the resolution be amended by inserting "the committee shall have authority to adjourn from place to place in Ontario" at the end of the eighth paragraph.

Motion, as amended, agreed to.

### COMMITTEE SUBSTITUTIONS

Hon. Mr. Wells moved, seconded by Hon. Mr. Ramsay, resolution 16.

Reading dispensed with [see Votes and Proceedings].

Motion agreed to.

### SELECT COMMITTEE ON THE OMBUDSMAN

Hon. Mr. Wells moved, seconded by Hon.

Mr. Eaton, resolution 17.

Reading dispensed with [see Votes and Proceedings].

Motion agreed to.

### STATUS OF BILL

Hon. Mr. Wells moved, seconded by Hon. Mr. Eaton, resolution 18.

Reading dispensed with [see Votes and Proceedings].

Motion agreed to.

### PRIVATE MEMBERS' PUBLIC BUSINESS

Hon. Mr. Wells moved, seconded by Hon. Mr. Eaton, resolution 19.

Reading dispensed with [see Votes and Proceedings].

Motion agreed to.

### COMMITTEE MEMBERSHIPS

Hon. Mr. Wells moved, seconded by Hon. Mr. Eaton, resolution 20.

Reading dispensed with [see Votes and Proceedings].

Motion agreed to.

### STATUS OF REPORTS

Hon. Mr. Wells moved, seconded by Hon. Mr. Eaton, resolution 21.

Reading dispensed with [see Votes and Proceedings].

Motion agreed to.

**Mr. Nixon:** Mr. Speaker, on a point of order: On page 16 of the order paper, a motion for the production of papers in the name of the member for Victoria Haliburton (Mr. Eakins) calls for the tabling of a report on the feasibility of an employee buyout of White Farm Equipment Canada Ltd. This is a report that was paid for by the government. It is in the hands of the United Auto Workers and there was some indication that report could be tabled. This motion has been on the order paper now for many weeks. We would certainly hope that the government House leader would take some notice of it so that this document would be made available to the citizens interested in the future of White Farm Equipment.

**Hon. Mr. Wells:** Mr. Speaker, notice has been taken.

**12 noon**



## BARRIE-VESPRA ANNEXATION ACT

(concluded)

Resuming the adjourned debate on the motion for second reading of Bill 142, An Act respecting the City of Barrie and the Township of Vespra.

**Mr. Breagh:** Mr. Speaker, I am getting lots of good advice today on things I might say.

**Mr. Nixon:** Perhaps I could assist in the advice.

**Mr. Breagh:** I am sure my friend will.

I had an opportunity to begin my remarks yesterday and to get the introduction on the record.

**Mr. Kerrio:** We thought you were up to the "in conclusion" part.

**Mr. Breagh:** The member for Niagara Falls (Mr. Kerrio) seems to be back in his proper place today. I am pleased to see him.

**Mr. Kerrio:** He is always in his place.

**Mr. Breagh:** I think the member for Waterloo North (Mr. Epp) is correct. My friend is about the worst heckler in here.

**Mr. Kerrio:** Well, you give me cause.

**The Deputy Speaker:** Order.

**Mr. Breagh:** We had an opportunity last evening, during the course of the estimates of the Minister of Municipal Affairs and Housing (Mr. Bennett), to listen to the minister himself, not his parliamentary assistant, provide more detail to the members on why this bill is here. As the minister went on at some length about the purpose and the details of the bill, it became more and more evident the government's real agenda in proposing this bill is to bludgeon one or both of the parties into a settlement.

One of the difficulties that opposition members have, of course, is that we do not get to hang around the back rooms of Queen's Park where the real agendas are established. We are forced by precedents here and the traditions of parliament to believe that when a government prints up a bill and puts in writing what its intentions are those are the intentions of the government.

As we listened last night to the minister state the real agenda, it became more and more apparent to me that what is printed in the bill has very little to do with the intentions of the government; so we are at a bit of a loss here, in a bit of a quandary.

As we went through each of the principles that were enunciated in the bill, the minister

repeatedly said, "Well, we do not really mean January 1, but we had to put a date in." So that is over. As we talked about the boundaries, he said, "We do not really mean those boundaries, but we will figure that out somewhere later on." As we talked about financial concessions that might be made on both sides, he said, "Well, we do not really know yet; we will figure that out as we go along."

When we get right down to it, we are debating a bill that is not going to happen, at least not in the form in which it is printed, and we are going to have to come back in the spring session of the Legislature and debate it all over again.

I am faced with a bit of a quandary. There is not much sense in debating a bill when the minister presents it in the Legislature, makes a statement, has the Legislature print it all up and says, "This is what you are talking about, boys," then goes off into estimates and says: "But that is not what we are talking about, boys. We will tell you later what the real agenda is."

I think we are really faced with no choice on the matter. This bill is going out for hearings during January, and perhaps somewhere in the course of three weeks of committee hearings we will find out what the government really intends to do about this very vexing problem in Barrie and Vespra.

It is my hope that during the course of those hearings we will get the government to come clean as to its real intentions with this annexation. Perhaps we will get a clear idea of just whom they intend to bludgeon, because it is now apparent that somebody is going to get hammered, though we do not quite know who the victim will be just yet.

I will wait until the committee hearings have concluded, and then I will attempt to make a good guess in the spring session as to what the government really means when it prints up its second bill dealing with the Barrie-Vespra annexation.

I find it unfortunate that members of the Legislature are forced by tradition to believe that when a government prints a bill, that is exactly what it means to do, and then to hear during estimates and, I imagine, in subsequent debates today that this is not really what the government had in mind. It becomes very difficult for us to pick which agenda the government is actually moving on in the course of this debate.

It seems to me that there is not a great deal of sense in prolonging a debate on a bill on which the government has already admitted it really

does not intend to proceed along those lines, despite the fact that it went to all the trouble of printing the bill and going into some detail in statements by the minister and in compendiums to the bill as to exactly what the bill means and exactly what the government intends to do.

In estimates last night the minister made it quite clear that is not what they want to do, that is not the date they are going to use, that is not the boundary that will be the final solution. I am not an advocate of great theoretical debates and I do not want to pursue it any longer, but I do anticipate that during the course of the hearings in the standing committee on general government we will be allowed some glimpse of the government's real intentions.

Perhaps in the spring session of the Legislature we will get a bill which says what it is the government wants to do, as opposed to this bill, which appears to be some kind of bludgeon that it is going to use on one of these municipalities.

**Hon. G. W. Taylor:** Mr. Speaker, I have listened to the two critics of the Ministry of Municipal Affairs and Housing, the member for Waterloo North (Mr. Epp) and the member for Oshawa (Mr. Breaugh). Naturally, I listened to their comments with some interest. It is unfortunate that their knowledge of the situation is so minimal, as is their knowledge of the history of the area and their knowledge of what they think is best for the area.

I make those comments knowing the member for Waterloo North comes from an area that has set the mark, I think historically, for the number of annexations. He knows the total history and pattern of annexations in that area. He probably participated in many of them as a municipal councillor and knows the total background of such events.

Also, I listened to the member for Oshawa talk about the history of the area. I remember he quoted different features of this legislation. I recall very vividly that he supported a piece of legislation by one of his colleagues. Indeed, it did much the same thing but did not provide any method or mechanisms for hearings so there could be input.

I think both of them do a disservice to this Legislature when they comment that the hearings will provide nothing, that there will be no witnesses and that if they do add information, it will not be listened to. Indeed, if they say and believe this, then surely they must believe all those other committees which they ask for are not worth while either. I think their comments

do not have, in my mind anyway, a great deal of validity.

This legislation has the support of cabinet, myself and the Minister of Municipal Affairs and Housing.

**Mr. Wildman:** We didn't think it would be introduced if it didn't have the support of cabinet.

**The Deputy Speaker:** Order.

**Hon. G. W. Taylor:** I have followed this subject in the area for some 10 years while it was going on. There have been 10 years of dispute, 10 years when the major benefactors have been the lawyers and planners. There have been 10 years of unsettled progress and 10 years of lost opportunities. I say it is a minimum of 10 years, because it has been going on much longer than that.

It has been going on to such an extent that it has formed one of the longest and costliest Ontario Municipal Board hearings in history. It has, on procedural matters singularly, gone to the Supreme Court of Canada. When it arrived back, the OMB made two decisions on the merits. It has drawn much the same lines and considered the same geographical areas.

What it boils down to is that when it is finished we have one decision that has been decided many times on the merits by the local councillors, by the Simcoe-Georgian Area Task Force and by the Toronto-centred region plan, the design for an expansion of the urban area known as Barrie.

This matter has had many opportunities for discussion for settlement. I and previous ministers of housing have sat down with the individuals on all councils and suggested methods of settlement and offered opportunities for settlement. They have not been accepted.

**12:10 p.m.**

Throughout the litigation in the same process, because of this instance, we had to bring in new legislation. I am sure the new legislation, as it was debated here, also has to have a certain amount of goodwill, understanding and compliance or it will not work.

The minister, who is more familiar with these types of situations throughout the province, has indicated from his knowledge of the situation that the parties will not talk, will not negotiate, and will not look toward settlement of the matter, but will litigate.

When I look upon the history of the matter and I hear the percentages that have been used about the commercial area and the assessment,



when this area was developing—we are talking about the late 1960s—the urban municipality of Barrie decided that certain functions had to be carried out in the downtown core and certain malls had to be progressed within their economic ability and what they thought was good planning. Naturally enough, the developers thought, "We will put our malls right across the border or right across the street."

When we talk about 90 per cent of the commercial assessment, that is very true. In 1968, they did not have that 90 per cent of commercial assessment. When Barrie was saying, "Do not put it in the urban area and do not put it outside," Vespra and the developers decided to put it right on the border in competition with those inside.

The dispute was apparent at that time. It was apparent then that it was not good planning. It was apparent at that time from the studies that were going on by all the local councillors and the Simcoe-Georgian Area Task Force that undoubtedly and inevitably the area would become part of the urban area of Barrie. Indeed, that has been the policy of the provincial government for some considerable period of time. As Barrie expands the urban core, it provides the services. Many of the services are there waiting to go into the new area.

The process has undoubtedly been unsettling for the area. We look at the traffic problems on the roads; they have been compounded. We look at the landfill sites in this potential area to be annexed. There have been disputes as to where hospitals and schools should be located, as to fires and who should fight them, as to sewers and as to roads and services, all of which disputes should not be. The spirit of co-operation has not been there. There has been a spirit of frustration about some of them. All these features I have mentioned, which are only a few of them, should never have even occurred. There should have been greater goodwill between the councils, and that has not been the case.

When I look at the possibility of commercial development not proceeding—and there is \$20 million or more of commercial development waiting to go—when I see hospitals that may be delayed, when I see landfill sites that may not be proceeded with and when I see schools that are going to have difficulties, it is very difficult not to support legislation of this type.

I continue on about this particular legislation. As the minister has said, if he had gone the other route, the boundary negotiations legislation, he saw it would be on his desk for final settlement

in any event. As the minister said when he explained the legislation to the municipalities, "You have an opportunity even now, before the legislation goes through and is completed, and before the hearings, to draw it to a conclusion, to settle it, to bring some negotiated settlement to it." They will still have that opportunity when they come before the legislative committee. I do not know whether those communities will accept it. I suspect they will not. Therefore, there has to be a time frame.

Since the legislation was introduced, the potential development has already started to move. Those developers will be proceeding with their development, involving some considerable millions of dollars which, if this had gone on, had the potential of being lost. It is for the whole area, not just for Barrie and not just for Vespra. It is for the whole area. That is the central core of Simcoe county. As it develops, the others benefit. Without that benefit, I think we lose for that entire area. It is with the intention of supporting the entire area that I support this legislation.

I am sure when this legislation appears before the committee, my colleagues on the government side of the House and those on the opposite side will listen to the arguments made and will then draw the line between the two municipalities where they think the boundary would be best suited.

As the legislation suggests, the line that is put in the legislation is the maximum amount of land that can be incorporated within the annexed area. They have plenty of opportunity to look at what would be best suited to that area. Much of the land is already owned by the municipality of Barrie. Other land is in hazardous or environmental protection areas. That will not cause them a great deal of concern.

If one looks at who can best service the land and who can best look to the future benefits of that land, all the participants will recognize that for the good, the potential and the benefit of the area, this legislation suits the majority of the people. I am sure the compensation package the minister will look at later will provide adequately for individuals who think for some reason they will be less than adequately compensated by this legislation.

Many of the legislative policies, the taxing policies and grants for both the urban and rural areas recognize those two features of urban and rural. In this situation, what is recognized as a rural community, Vespra, is taking on the aspects of an urban municipality. It is in the



historical pattern in this province that it will soon become part of the urban area.

Those are my few comments on this legislation. As it proceeds to committee and then back to the Legislature in the spring for third reading, there will be ample opportunity for anybody who has concerns to put them to the committee. I am sure the committee members will listen and make their decision on that material.

For the potential of the area, the matter has to be resolved. This method of resolution has some finality to it, compared to spreading our money throughout the court systems of this jurisdiction, which will bring no finality but will provide great compensation for the lawyers.

**Mr. Rotenberg:** Mr. Speaker, very briefly, the main question before us is, why this process? If it were a new application for annexation, it would be under the Municipal Boundary Negotiations Act. But this application was first made seven years ago. There have been seven years of bitterness arising out of disputes. There is no advantage now to going through the voluntary negotiation process. It is clear that process will not work. It is clear there will be no voluntary agreement and the negotiation process will accomplish nothing but a waste of some more time.

The negotiation process has been proceeding, although somewhat informally, over the past number of years. The politicians and the staff have been involved, and I have been involved. In our opinion, further voluntary negotiations will accomplish nothing. We want this dispute to come to a conclusion, and we want to have full and complete public hearings at the committee meetings next month because we feel this is the best democratic process to bring the matter to conclusion.

As the minister said in his opening address, the boundary in this act is the maximum amount that will be annexed. The committee will hear all interested parties and it will make a decision as to what the boundary shall be.

As to the dates, as I said in this House on Tuesday and as the minister said in estimates last night, absolutely nothing can take effect until there has been third reading and royal assent has been given to this bill. There will be business as usual on January 1. Nothing will be changed by a second reading of the bill, because second reading has no authority in law. We want the date to be set by the committee.

After all the other matters are settled, we hope the two municipalities will be able to agree on an effective date. If they do, it will be put into

the bill. If they do not, then the committee will have to select a date, the best date for an orderly, smooth transition of whatever area is to be annexed. The date will not be retroactive unless both municipalities want it to be retroactive before third reading debate in this House.

**12:20 p.m.**

The members opposite have taken issue with a number of details of the bill. In view of the time and the day, I will not discuss those now, but there will be full opportunity to discuss the details of the bill in committee.

As far as I am concerned this process, the second reading of the bill, which is almost like a white paper but in a form that makes it mandatory for discussion, and full open hearings in the committee are the only way we will get all the parties to sit down and seriously negotiate all the details in full, open public hearings.

I am now committing myself, my ministry and the government to listen at those open hearings and to make changes and amendments as required.

I think the members opposite will remember that we spent all of the summer of 1982 in similar hearings after second reading of the Planning Act. The member for Waterloo North (Mr. Epp) and the member for Beaches-Woodbine (Ms. Bryden), who is here, will remember that the government listened, the government made many amendments as proposed by the public and a number of amendments as proposed by opposition parties. Their amendments were accepted. I anticipate the same kind of process.

Whatever the results, we want this matter settled in 1984. I would say to the member for Oshawa that what will happen to the bill will be as a result of the committee hearings because the committee will report an amended bill back to the House and that is what we will support.

Finally, let me repeat, just to stress to everyone concerned, nothing takes effect until third reading and royal assent some time in the spring of 1984.

With those remarks, I would ask for second reading of this bill.

**Mr. Nixon:** Mr. Speaker, on a point of order: I wonder if the honourable member could indicate whether or not he might make arrangements for that committee to meet in Barrie.

**Mr. Rotenberg:** It is not up to me. My understanding is that the committee chairman is already taking that into consideration. If the committee so desires, I would support having at

least a visit to Barrie. It will be up to the committee, not myself, to make that decision.

**Mr. Breaugh:** Mr. Speaker, on a point of order: I want to raise this point of order now so that it does not come as a surprise later.

Members may not be aware but we did approve the following motion: "Notwithstanding the prorogation of the House, upon the commencement of the fourth session of parliament, Bill 142, An Act respecting the City of Barrie and the Township of Vespra, shall be deemed to have been introduced and read the first time, be deemed to have been read the second time and referred to the committee."

I just wanted to point out that this will put the members in a bit of an awkward position, or has the potential to do that, given the nature of the bill and the commitments for change that have been made by both the minister and the parliamentary assistant. I would just like to put the members on notice that there may be another process that would be a better way to proceed, and that is to introduce the new bill and let it go through the process. I think we may have inadvertently caused the Legislature a bit of an awkward moment in the next session by passing that resolution this morning.

**Mr. Rotenberg:** Mr. Speaker, on a point of order: The only way the bill can be brought before the committee in January is if the bill has had second reading in this House. If we wait until introduction of a bill in April, there is no way we can have a committee hearing in January.

**12:33 p.m.**

The House divided on Hon. Mr. Bennett's motion, which was agreed to on the following vote:

**Ayes**

Andrewes, Ashe, Baetz, Barlow, Bennett, Bernier, Birch, Brandt, Cousens, Cureatz, Dean, Eaton, Elgie, Eves, Fish, Gillies, Gordon, Gregory, Grossman, Harris, Havrot, Henderson, Hennessy, Hodgson, Johnson, J. M., Kells, Kennedy, Kolyn, Lane, Leluk, MacQuarrie, McLean, McNeil, Miller, F. S., Mitchell, Norton;

Piché, Pollock, Ramsay, Robinson, Rotenberg, Runciman, Scrivener, Sheppard, Shymko, Snow, Stephenson, B. M., Sterling, Stevenson, K. R., Taylor, G. W., Taylor, J. A., Timbrell, Treleaven, Walker, Watson, Welch, Williams, Yakabuski.

**Nays**

Bradley, Breaugh, Breithaupt, Bryden, Charlton, Conway, Cooke, Copps, Cunning-

ham, Di Santo, Eakins, Edighoffer, Elston, Epp, Foulds, Grande, Johnston, R. F., Kerrio, Laughren, Lupusella, Mackenzie, Mancini, Martel, McClellan, McGuigan, Miller, G. I., Newman, Nixon, Philip, Rae, Reed, J. A., Reid, T. P., Renwick, Ruprecht, Ruston, Swart, Sweeney, Van Horne, Wildman, Wrye.

**Ayes 58; nays 40.**

Bill ordered for standing committee on general government.

## RELEASE OF PUBLIC ACCOUNTS

**Mr. Bradley:** Mr. Speaker, on a point of privilege: You may recall there was a discussion of the House being denied a document before we prorogued this afternoon, and I was looking for your kind assistance in ensuring that the House has this document, which the Treasurer (Mr. Grossman) apparently has.

I am referring, you would know, to the public accounts, volume 3, and the dispute between Mr. Childs from the minister's office, who suggested it would be available next week, maybe even Monday—of course, after the House has prorogued—and Mr. Rivers, the manager of Carswell Printing Co., who said it was shipped at least two weeks ago and that he had no idea what Mr. Childs was talking about.

I wonder whether the minister, through your assistance, Mr. Speaker, would be able to provide this volume to the House before we prorogue today or whether he can shed some light on this for us.

**12:40 p.m.**

**Hon. Mr. Grossman:** Mr. Speaker, Treasury is simply the point of delivery of those reports. As soon as they get there, they are distributed here. May I say quite clearly that I have not had them for two weeks. I understand they were just at the point of being delivered yesterday and today. As soon as they are in, they will be out and distributed.

The printers' strike was the problem. I understand the confusion may have come around the point at which they began printing. But I am telling the member that as soon as they are all in, they will all be out.

**Ms. Copps:** On another point of privilege or order, Mr. Speaker: I hope the minister is a little more accurate in that than he was in the statement he made yesterday vis-à-vis the extra-billing discussion we had in the House. I would like to—

**The Deputy Speaker:** I will have to remind

the member this is not a debate or a time for discussion.

**Ms. Copps:** I realize it is not a time for debate, Mr. Speaker, but I would like to correct the record because the minister stated yesterday that he and his colleague the Minister of Health (Mr. Norton) at estimates had not contradicted each other about the number of extra-billing cases.

**The Deputy Speaker:** I am sorry. It is not a point of privilege. If you want to make a statement, there is another time and place for that.

#### CONCURRENCE IN SUPPLY, MINISTRY OF LABOUR

**Mr. Mancini:** Mr. Speaker, I would like to take a few short moments to make some comments concerning the Ministry of Labour as we debate concurrence in supply. I would like to say that it has only been a few weeks—probably less than three weeks—since we had ample opportunity to debate many of our concerns in the estimates of the Ministry of Labour. We spent some 22 hours debating what we felt were the issues of the day.

I believe we had a very open and extensive debate concerning the different parties' positions on matters such as health and safety, plant closings and equal pay for work of equal value. It was only last night that we had a recorded vote on second reading concerning the very important issue of equal pay for work of equal value. I will not take the time of the House to repeat today what I said last night.

**Mr. Laughren:** We were here.

**Mr. Mancini:** Thank you. The member for Nickel Belt is one of the few moderate socialists left in the New Democratic Party. I was asked a short time ago, "What is wrong with the New Democratic Party?" and I gave the answer, "Left and down." That is their problem, left and down.

**The Deputy Speaker:** Back to the concurrences.

**Mr. Mancini:** As we take our recess, the minister should give himself some time to consider some very important matters which are going to be discussed over the winter, some in the committees. I refer particularly to the matter of the workers' compensation review.

I want to tell the minister right now that I want to put the House on notice that he is going to have a tough time if the government thinks it is going to be able to take away from the injured

workers such things as the Canada pension plan, their security in knowing what their pensions are going to be on a yearly basis, or whatever increase in pay they will get if they do go back to work. I want to put the minister on notice right now about that.

We are not going to allow the kinds of changes made to the Workers' Compensation Act which we think the government is going to try to push forward. Those changes are absolutely unacceptable. We have our own position and we are going to put it forward. It is a reasonable position when one takes into consideration cost factors, historical factors and the needs of the injured workers.

We are going to put the minister on notice. We did last night. My friend the member for Nickel Belt—

**Mr. Laughren:** Make up your mind.

**Mr. Mancini:** Does my friend the member for Nickel Belt have something to say?

**Mr. Ruston:** No.

**Mr. Mancini:** No, he does not have anything to say. He is a moderate socialist.

**The Deputy Speaker:** We will get on with the concurrences of the Ministry of Labour.

**Mr. Laughren:** Make up your mind which side you are on.

**Mr. Bradley:** They got 2.9 per cent.

**Mr. Laughren:** Do you support the proposals or not? Make up your mind.

**The Deputy Speaker:** Order.

**Mr. Mancini:** Mr. Speaker, we also want to put the minister on notice, and I believe we did last night, concerning the matter of equal pay for equal work. The Conservative caucus voted en masse, unanimously, to support that principle. The bill that was introduced, the one we voted against last night, did not reflect the vote taken by the Conservative caucus on October 20.

Those are some of the issues we have been concerned about, and we expressed our concern on many other issues during the estimates. We will be bringing forward further concerns, but the immediate problem we face, as I said earlier, is the reform of the Workers' Compensation Act. I put the minister on notice there is going to be tough slugging here in the Legislature if he thinks he is going to be able to pass some of the things that were stated in the majority Conservative report. I look forward to the debate that will take place on these important matters in the near future.



**Mr. Mackenzie:** Mr. Speaker, I will make no threats I am not likely to be able to carry out, such as came from the previous speaker. I simply want to raise two things and two things only with the minister.

**Mr. Mancini:** Mr. Speaker, on a point of privilege: I have never threatened anyone in the Legislature in the eight years I have been here and I did not threaten anyone today. I sincerely resent the remark made by the member for Hamilton East. I believe if the member takes time to reconsider what he said, he might consider it slightly unfortunate.

**Mr. Mackenzie:** I want to raise with the minister two points only, and do it as seriously as I can, because I think they are two of the real problems we are facing. There is any number of issues we could cover, but we are trying to wind up the session.

I want to raise with him once again the question of the tens of thousands of workers who are losing their jobs as a result of plant closures in this province and as a result of the fact that we have no real justification procedure of any kind whatsoever in this province. There is ample evidence in any number of plants, specifically ones the minister himself has met with—and I have been with him on occasion—that there should have been a little more openness by the minister.

The minister himself did not get all the information on Allen Industries, as our last meeting pointed out, and we still do not have the company willing to come back to us. There are serious considerations in the plant closure I raised yesterday at Dominion Bridge. There were and are problems at Consolidated-Bathurst and Canada Packers—the list is almost endless. There is firm legislation that tops our Ontario legislation in many of the industrial countries in western Europe.

One of the problems that is going to be with us for some time to come and which is really hurting older workers in particular is the question of plant closures with the loss of jobs and in many cases the difficulty of workers ever again being employed at their age level. We simply have to do something in the near future to deal with this serious problem.

The second issue I want to raise with the minister is the issue of contracting out. So far it has seriously impacted only on nursing homes and two or three cleaning companies that I am aware of, but it is an issue that is patently unfair. It is an issue where a third party moves into the action and makes a nice little profit on selling its

services. This is undermining workers and putting them out on the street when, in many cases, they have really worked to upgrade their skills and develop a profession. I am thinking in particular of nursing home workers.

This really threatens the quality of care to the inmates of some of these nursing homes and undermines in the most basic way the rights of those workers. I do not see how the minister can not take action on this issue as well and take action rather quickly before we have a very serious problem right across this province in terms of contracting out as a method not only of undermining the workers who are organized, but also of providing an unnecessary profit for a third party intervening in this kind of care.

I ask the minister to take a serious look at those two issues as quickly as he can and to come back to this House at the beginning of the new session with some answers that will deal with them because they really are fundamental to workers' rights and protection in Ontario.

12:50 p.m.

**Mr. Wildman:** Mr. Speaker, I would like to make a few short comments, specifically with regard to the occupational health and safety branch of the Ministry of Labour. I would like to refer to the minister's decision, based on the advice given him by the mining legislative review committee, which recommended against changing the safety regulations with regard to miners working alone.

In this party we believe it is incumbent on the minister to move as quickly as possible to eliminate the practice of miners doing solitary underground work since it is a very difficult situation when accidents occur. We regret very much the minister's decision to go along with the recommendations calling for more co-operation between labour and management and further research to improve radio communications underground. It is just not an adequate approach to that problem.

I wonder if the minister could inform us of the status of the royal commission on asbestos which was established in April 1980 after pressure from my former colleague from High Park-Swansea, Ed Ziemba. This commission has been in operation for some time and we have not heard very much about it. We have not had any indication of when it is going to report.

I want to refer specifically to the radon reduction program in Blind River and on the north shore. I hoped the minister would comment on the matter I raised with him regarding the information provided by Dr. Aitken, the

chief of the radiation protection service of his ministry, which gave a number of scientific studies to show that estimates of additional lung cancer range from a low of 140 to a high of 1,800 in a population of 100,000, with the so-called recommended level accepted by the ministry of 240 additional lung cancers in a population of 100,000, when the 0.02 work level standard for homes of underground miners is accepted.

I find those figures appalling and I would hope the minister, in conjunction with the federal authorities, would be moving to lower that standard so we can be protecting at a much greater level, the people who work in the uranium industry and the nuclear industry in their homes.

In regard to Blind River, I would like to know why the minister is unwilling to extend this reduction program—the abatement program in the homes—not only to the underground miners who commute to work in Elliot Lake, but also to the workers who work in the nuclear industry at Eldorado Nuclear Ltd. resources in Blind River.

**Mr. Bradley:** Very briefly, I would like to ask the Minister of Labour what consultation he has had with the Minister of Education in terms of including teachers in the Occupational Health and Safety Act.

The minister will know that teachers have not been included since the act was passed and there have been discussions going on about the possibility of including them because of certain circumstances they face within the education system, probably more so in science labs and in the technical end of education and perhaps even in physical education, than in other areas, but certainly throughout the system. I would like to ask the minister whether an announcement to include teachers will be made by the government in the very near future under the provision of the Occupational Health and Safety Act.

**Ms. Copps:** Mr. Speaker, I have just one question for the Minister of Labour. Although it does not fall under his jurisdiction, I know he is very interested in it.

I wonder if he could advise us, and certainly make recommendations to the Solicitor General (Mr. G. W. Taylor), regarding the issue of mandatory inquests following industrial accidents. The minister is aware of an industrial accident that occurred in my own area in the not too distant past. The difficulty in getting a coroner's inquest to deal with the industrial accident was unbelievable.

The minister has supported in principle the

notion of mandatory inquests in construction accidents, but I think the mandatory provision should apply to all industrial accidents that occur in Ontario. I wonder if the minister could give us some idea of whether he is planning to lobby the Solicitor General to make sure this kind of provision becomes part of the law of the land in Ontario.

**Hon. Mr. Ramsay:** Mr. Speaker, perhaps I could respond to the last item first in that I believe I can respond in a rather positive manner. The honourable member has asked me to lobby the Solicitor General in respect to having mandatory inquests in industrial fatalities. I would like to advise her and the other members here who have asked me the same question in other forums that I have already done so approximately 10 days ago.

I have not had a response as yet, but I am on record with the Solicitor General as recommending that inquests be mandatory in industrial accidents. I intend to continue to follow up in that respect.

I note the member for Essex South (Mr. Mancini) is not here. He was a little offended that someone perhaps suggested he was making threatening comments to me. I did not accept them as such. He told me he was putting me on notice. There is nothing unusual about that.

He did have two concerns. One was the matter of the proposed changes to the Workers' Compensation Act. That does have a high priority. I am a little disappointed, though, with his comments about the government taking away from the injured workers. The whole idea of the reform and the review is not to take away, but to improve the process and improve the act. It is on that basis that we will be approaching the new regulations and the new statutes. I can assure the members of that.

On equal pay, I have to say again that I feel the government has taken some very positive steps in respect to the amendments to the Employment Standards Act. It was debated here in the House last evening and will be heard in committee on January 9, 10 and 11. I am looking forward to those hearings. It will be an opportunity once again to have the input of various interest groups expressing, I am sure, divergent opinions on equal pay for work of equal value.

As far as closures are concerned, I want to assure the member for Hamilton East (Mr. Mackenzie), and I am going to be repeating myself, I do not think anything causes me to lose sleep more than the issue of plant closures. It is



the most difficult thing I have to deal with. I say with the greatest of respect that if I thought that bringing the plant closure committee together again or introducing disclosure legislation would save just one job, then I would do so, but I am not convinced it would.

The member referred to Allen Industries. He is absolutely right. I was very disappointed the first time we had those people in. I am disappointed that last week when I asked them to come in and meet with me and union officials, they at first agreed to do so and then changed their minds. They thought there might be legal complications in doing so or that what they had to say might be used against them later. I can understand that, but I still think we could have had a productive meeting and we could have eliminated the problems they were worried about.

**1 p.m.**

I want to advise the honourable member that I have not given up on that. There will be a meeting with the Allen Industries executives from the United States in my office on either Monday or Tuesday. They have agreed to come. At that meeting I hope to convince them that we can have another meeting with the union people there. We are still trying desperately to address that problem.

I do not say this with any measure of delight or satisfaction, but this is a Canadian Press story. It says:

"An almost 60 per cent drop in layoffs in Ontario during the first 10 months of 1983 over the same period last year is an encouraging sign the province's economy is bouncing back, says Labour Minister Russell Ramsay.

"Ramsay was commenting on a Ministry of Labour report that shows employee layoffs in the first 10 months of this year fell 57 per cent to 16,025 from 37,652 last year. From January to October, 10,065 layoffs were caused by reduced operations. Last year's figure was 27,494."

It goes on with some other facts.

"Ramsay said in an interview"—and this is the point I want to make—"that the facts are encouraging and, I believe, an indication of economic recovery. However, he warned that troubled times are not over and there is still cause for concern and there is cause for concern just as long as there is any plant closure or any person in this province being dislocated in their employment."

Nursing homes are a very thorny, complex problem. It is one that I am hopeful can be dealt with through the mechanism in place at present,

and that is the Ontario Labour Relations Board, which is giving priority to addressing this matter. I assure the member that if the Ontario Labour Relations Board is not able to deal with it in a fair and equitable way, then we will have to look at other measures.

In the area of occupational health and safety, I did refer the matter of miners working alone to the Mining Legislative Review Committee. It met on October 26 and October 27 and reached the consensus that the existing section 15 of the regulations for mines and mining plants is satisfactory.

As the member for Algoma (Mr. Wildman) pointed out, the committee called for better co-operation within the joint health and safety committee structure as well as the expediting of current research towards improving the reliability of radio communication systems. But I did want to make the point that the committee concluded the Ontario regulations are by far the best in Canada.

With respect to the status of the asbestos report, I followed that up probably around the end of September or in early October and was told at that time there was a good possibility of the release of that report early in 1984. I intend to keep after that.

Finally, the matter of the radon gas is a very scientific one. I have some material here which I am reluctant to use only because, to be candid, I am not sure of the scientific information that is here, not from the point of view that it is not accurate but because I am not sure I could relate it to the member in an accurate manner. For that reason, there is a letter in preparation to the member which I hope will address his concerns.

I am a little disappointed about the reference to Blind River and the fact that we may not have gone far enough, because when we first set up the radon detection service for the commuters to Elliot Lake, it was going to be for Blind River residents only. It was through my efforts, I believe, that I was able to get that extended—

**Mr. Wildman:** I do not deny that.

**Hon. Mr. Ramsay:** I am sure the member does not. But it was through my efforts that it was extended to Iron Bridge, Massey and the other places from which miners were commuting—all the bedroom communities. But the member does make a point about the Eldorado miners and we are looking into that in concert with our federal counterparts.

Finally, in response to the member for St. Catharines (Mr. Bradley), I must admit that I



had hoped the matter of teachers being covered under the Occupational Health and Safety Act would have been resolved by now. In fact, I had high expectations this summer that we would have it in before the school term started.

There have been some complications. I am almost embarrassed to say that we have struck another committee, because we have had so many committees on this. But we have struck a special task force made up of minimum representation from the Ministry of Labour, the Ministry of Education, the Ontario Teachers Federation and the Ontario School Trustees' Council. We thought that with a smaller number and a time limit on their deliberations, we might be able to come to grips with this.

**Mr. Bradley:** What is the time limit? Do you know?

**Hon. Mr. Ramsay:** We are in the process now of setting up the committee and getting the names of the people involved. I assure the honourable member it is something I thought I would have had completed by now, and I fully intend to have it completed as quickly as possible.

I have addressed each of the subjects that have been brought forward today. I want to pay tribute at this holiday season to the members opposite who have acted as either permanent or one-day critics, whatever the case may be, of the Ministry of Labour. Their criticisms have all been extremely responsible. They have all shown a deep concern, interest and knowledge of what goes on in the Ministry of Labour. I have always considered their questions to be constructive rather than otherwise.

Resolution concurred in.

#### CONCURRENCE IN SUPPLY, PROVINCIAL SECRETARIAT FOR JUSTICE

**Mr. Breithaupt:** Mr. Speaker, in rising with respect to this concurrence, there is one issue I would like to raise with the Provincial Secretary for Justice this morning. I was interested to read in this morning's *Globe and Mail* that the government of Ontario intends to end the 12 bail programs it pays for, which currently are of assistance to accused persons who lack bail money to get out of jail while awaiting trial.

As the provincial secretary is well aware, there are those within our society, and I am one of them, who believe that a program like this is needed as was set out in the article, which I quote, "to protect the rights of those who don't

have the money for bail and shouldn't have to be in jail before their trial."

This morning I received a telephone call from Mr. Andrew Telegdi, who has been conducting one of these programs in Kitchener. Apparently, a study of the effectiveness of these programs was done during the summer of 1982. It was conducted by Sheri Lee Davis and several others. Apparently, it reflected positively and had complimentary terms as to the programs that are in existence, with the possible exception of some comments that were not entirely complimentary, so I am informed, on the Sudbury and Ottawa programs.

Apparently, those two required some further upgrading or certain recommendations were made with respect to them. I say "apparently" because this study has never been made public and has not been given to the various persons involved in these programs, to my understanding.

The cost of these programs, we are informed, is some \$812,000. The general comment made by the Ministry of Correctional Services apparently, through the reported comments of Donald Evans, is that the \$812,000 is to be put to certain better or other uses within the ministry.

1:10 p.m.

I recognize that a variety of programs are coming under review in this province, but reflect for a moment on what \$812,000 means within the provincial budget and within the areas of expenditure that concern us. As I recall, the interest on the provincial debt is about \$5 million a day; so the amount of this whole program is the equivalent of four hours' interest on the provincial debt.

The amount of this whole program is a little more than twice the amount reported to have been paid by the former Minister of the Environment through his ministry for renovations to certain offices—offices, I might add, that he occupied for only a month. Certainly this amount of money, through political and other commitments, is much less than the total cost of that by-election in Stormont, Dundas and Glengarry of which we heard so much earlier this morning.

Moneys are put to a variety of uses within this province, and certainly there is the possibility that decisions are made with a variety of considerations that are before us.

This article to which I referred says:

"Lawyer Harold Levy, editor of the Criminal Lawyers Association Newsletter, said the bail programs play an important role in verifying information . . . Criminal law lawyers 'would be most alarmed if such [an] important, useful,

tried and tested program was to be scrapped,' Mr. Levy says in an editorial to be published in the newsletter's next issue. 'The principles at stake, such as the presumption of innocence and recognition of the perils of confinement, and the knowledge that people who appear for trial in custody are more likely to be convicted,' should work against disbandment"—that is, disbandment of the program.

I share those particular concerns, and they are heightened not only because of this report but also because of the statement the Provincial Secretary for Justice (Mr. Walker) made to the House this morning as he dealt with Community Justice Week for 1984. Community Justice Week, it so happens, was started in Kitchener—indeed, it was started by that same person I referred to, Andrew Telegdi—and is now proclaimed as being of such value and use that 50 communities took part in it last year and it is hoped that 100 communities will participate in this year's event.

That seems to be a lot of thanks a person gets who, without any consideration or any contact, as I am told, reads in this morning's paper that the program is wiped out and, it so happens, is, at least by inclusion, praised for being involved in a program that is clearly of great value.

I note that the Minister of Correctional Services (Mr. Leluk) is drawing nigh to the provincial secretary, and I hope he will be able to provide some information as to the background of this whole theme. Indeed, if he wishes to speak on the matter himself he can deal with it, in two or three moments from now, with a comment on the concurrence in his own ministry.

I bring it to the attention of the Provincial Secretary for Justice because in his own remarks this morning he commented, if I may remind the House of this: "This special week will be co-ordinated by the Justice secretariat and will help to enhance public awareness about the rights and services which the justice system provides, as well as the responsibilities it places on the people of our province."

Here we have an opportunity to deal directly with justice policy within this province: to see how, in the envelope of funds available to the ministries that make up this policy secretariat, priorities are reached and comments can be made and leadership given as to why one program continues and perhaps another does not.

Certainly there are a variety of choices that have to be made by the line ministries as they deal with the programs available to them.

Indeed, it is not so much that the choice has been made, if such is the case; it is the way it apparently has not been communicated to the persons involved. It may be that certain letters have been sent and they have not as yet been delivered. I certainly hope that is the case.

It is always unfortunate that persons can be hurt because of comments in the media or elsewhere, indeed even in this House, in advance of receiving in due course the kind of information to which they are entitled and which I should say, more often than not, is already in train so that they would have received information.

They know that is a problem. It is one we cannot easily or readily overcome because people hear about certain things and make comments. There may well be a quotation somewhere or other in the media in advance of the fact that a letter did go or a message was sent. That can happen and if that is the case, I welcome a comment from the provincial secretary, or if not now, in due course from the Minister of Correctional Services to say it is the case. I certainly hope it is.

One of the comments that was made, and again I only have this quotation that appeared in this morning's *Globe and Mail*, was in allusion to a comment of Donald Evans, the executive director of the community programs division of the Ministry of Correctional Services: "This decision in no way reflects dissatisfaction in the services but is a result of our budgeting and priorities that we have to meet." He is further quoted as saying, "They provide a really good service, but the services aren't directly to us." I suppose that is the case, but they are services that are involved surely in the variety of principles, programs and policies towards which the Provincial Secretary for Justice must direct his attention.

Mr. Evans further says, apparently in a general comment, "Jails are still crowded and the programs haven't been proved conclusively to cut down the number of remand prisoners (those awaiting trial)." The jails are crowded. It certainly appears to be a symptom within our society at this point that every time an institution is built it very quickly becomes filled up.

**Mr. Wildman:** Most of the jails have been built a long time, though.

**Mr. Breithaupt:** Indeed. In the same instance, the Minister of Correctional Services, as the province's greatest provider of services to a variety of guests, is under great strain in his budget. He is more aware than any of the rest of us that outdated and crowded facilities bring on



further problems within a system. The system is one that I recognize he has attempted to address, and I congratulate him for the concern he has shown in the matter.

Just as the widening of a highway seems to fill up that extra lane with cars in a week or so, or the provision of an extra series of nursing home beds is immediately responded to—they are filled up and there are still pressures on the active treatment beds in hospitals and whatever—in this circumstance the provision of new facilities or the remodelling of old facilities by the Ministry of Correctional Services still brings about the need for additional programs and opportunities to deal with the population of clients who are constantly before the courts.

**1:20 p.m.**

I look forward to hearing from the provincial secretary how he views this situation. I believe the programs are of great value. While they are funded through the Ministry of Correctional Services they are, as has been referred to, not a service that goes directly to correctional services. If they are not a service that goes directly there, then perhaps the budget for them should come from somewhere else. If they are a program that is worth while, then it may be that under the Justice secretariat itself a particular earmarking of funds or an overview of obligations should be at that level.

Of course, that is not the principle. The principle is not to have direct line funds in the various secretariats. The whole idea for the secretariats was that line ministries would continue their peculiar and particular tasks as assigned in the overview of the operations of the cabinet and the responsibilities of ministers within Ontario.

The policy opportunities could be a clear reflection of the availability of funds within budgets if the policy secretary was convinced, as I am, that these kinds of programs are of value. I am sure that even Mr. Evans in his comment would not at all have ever wanted the impression to go abroad that just because the services are not of direct benefit to that ministry, they should not continue; of course not.

He recognizes, as I dare say all of us do, that there are certain obligations within the ministry to at least attempt to protect and maintain direct services as they reflect the requirements of the ministry. Here is a program that perhaps does not reflect that requirement but I am quite certain the provincial secretary will agree with me that it is a useful inclusion in the panoply of

services that exist under the provision and administration of justice within Ontario.

I referred to the comments made by the provincial secretary in the statement which lauded and encouraged the involvement of all of us within the province in Community Justice Week for the period April 8-14, 1984. Yes, I agree we have not brought forward to the same proportion the rights of victims within our society. I certainly agree, as the minister has said, that very often we trivialize the rights and feelings of the victims and their families and are much more concerned about the opinions of the mother or father of the accused or the convicted. Very often, we forget the burdens which are placed upon the victims, or the families, the neighbours and other associates of those victims.

We are going to entitle this program "Victim Justice: Care and Share." That is going to be the theme of the week. That is most important, but in dealing with that theme let us include in it a failure to recognize the usefulness of the variety of bail programs. We see much in the media of reports of a certain person released on bail who then goes out and commits some other offence. He may be convicted of that, or is at least charged with the commission of that offence and the cry often goes up, "Why is that person out on bail?" It is as though the retention of that person within one of our correctional facilities, a jail or in some holding facility, should be a penalty required in advance of a trial and conviction.

Many persons in this province do not understand that the purpose of the bail system is solely to inquire and be satisfied, as I understand it, that a certain individual will appear for his or her trial. It has nothing to do with retribution or, indeed, with justice or penalty or punishment in advance of the event.

I suppose if we work on the theory that the person would not have been charged unless he or she was guilty in the first place, one can accept the fact that we will get at least a few weeks of that person's time in a facility, whether or not he or she is finally convicted. But I do not think this is a very healthy approach, and I see from the smile on the face of the Provincial Secretary for Justice (Mr. Walker) that he probably agrees with me on that one.

But there is a problem. The problem that concerns me is the one that brought this urgent phone call this morning and directed my attention to an edition of the *Globe and Mail* that I had not at that point had the opportunity to see and perhaps might not have even noticed, so



that the opportunity to speak on this issue at the peculiar time that we simply had this opportunity might not have otherwise occurred.

I was not contacted by the reporter in the case. I notice that my colleague the member for Riverdale (Mr. Renwick) is quoted, so he was obviously involved in having some of the matters herein drawn to his attention and I hope he may join in speaking to this matter as well this morning. Certainly his comments that the program should not be ended without consulting the people involved must be the clearest and most obvious result.

Whether there is any presumed merit, necessity or requirement to do that and to have those programs end, surely not to have been informed, as apparently was the case, is a most unfortunate result and I am sure the necessary apology or the necessary direct comment, made by either the Provincial Secretary for Justice or the Minister of Correctional Services (Mr. Leluk) in due course, would go some distance to reverse the necessary feeling of some bitterness that the persons involved in these dozen programs across the province might well feel.

So we are to have Community Justice Week next year, we are to have a continuation of a variety of programs that have been discussed over these last several years by my friend the member for Riverdale and myself with the various secretaries for justice policy as they have been given those responsibilities and we now have the opportunity in this concurrence debate to discuss this particular theme. Surely this is a matter of justice policy. Surely the division of these funds and the validation of the variety of programs such as this one is, I would hope, one of the duties and one of the real opportunities for a provincial secretary in this system.

Programs may well come and go, I cannot quarrel with that, because the variety of needs changes and there are not always the funds that every minister, I am sure, would like available to deal with whatever worthy projects are brought forward. But I believe we have to have some explanation of why this is happening, we have to have some commitment to consider the impact this is going to have, and I hope we will have the opportunity for comment that will explain why it was seen in the press before at least one of the locations involved was aware that this was going to happen.

**1:30 p.m.**

I have asked for the study that was done by Sheri Lee Davis to be made public. I hope that

will be the case because, no doubt, comments based on those findings, if they are as I was informed they were, will be of use as the value of this entire program is considered.

Any program that is costing \$812,000 is spending a lot of money. But we must also look at the proportion I have set out as to how much of those funds relate to other government commitments and to other government priorities. It is unfortunate in this brief time we have that we cannot deal at length with a variety of these concerns. It is a theme that I hope the provincial secretary will speak to. I welcome his comments and explanation on the points I have raised.

**Mr. Renwick:** Mr. Speaker, it is my intention in the concurrence debates to speak on two or three matters. On the matter my colleague the member for Kitchener (Mr. Breithaupt) has discussed with respect to the fee-for-service contracts cancellation for the Toronto Bail Program, I simply want to say to the Provincial Secretary for Justice that I endorse totally what the member for Kitchener said. I do not want him to be under any misapprehension about the vacuum and the problem, and the effect this will have on the provision of bail by community organizations across the province that are in touch with the social and economic circumstances of the persons who have had the advantage of this program.

I am going to reserve the major part of my comment on that topic until we come to the Ministry of Correctional Services, whose minister is responsible for the programs and responsible for their cancellation. The provincial secretary is well aware of the two purposes of the bail program, well aware of its history and well aware of the benefit that has accrued to people from it.

In the concurrences of the Ministry of Correctional Services, I will put on the record the sequence of events since his estimates when we questioned him on these matters—the member for Yorkview (Mr. Spensieri) and I questioned him particularly about the bail program—and the answers we got to the inquiries we made.

I want to mention to the provincial secretary that yesterday, in the concurrence estimates of the Ministry of the Attorney General, I raised this question with the Attorney General (Mr. McMurtry). I raised it because Mr. Evans said to us in committee in October that any question with respect to this bail program has a judicial side and would not be dealt with without consultation with those responsible. I believe

the person responsible to be the Attorney General of Ontario.

I asked him yesterday, and I quote from yesterday morning's Hansard on this question, referring, first of all, in the course of the remarks to the remarks of Mr. Evans, the executive director of the community programs division, in the estimates as late as the end of October about the seriousness of this question. Without reading it all, in one paragraph some very real fear is expressed that somehow or other the question of this program is being rethought, that the contracts are going to be cancelled and the funding for them is going to disappear.

If my memory is correct, the ministry's response was, "Of course it would not be up to us because that is part of the judicial function we would have to consult before we terminated or affected the funding." This is not an exact quote, but it is the substance of it. I will put the exact quote on the record when we get to the Ministry of Correctional Services.

The laconic comment of the Attorney General at the end of the concurrence was: "It is fair to say that the Toronto Bail Program which has fee-for-service projects with the Ministry of Correctional Services is under review at present and, to my knowledge, no decision has been made."

**Mr. Breithaupt:** That was yesterday.

**Mr. Renwick:** That was yesterday at one o'clock, about 24 hours and 20 minutes ago. It has now been for all practical purposes confirmed that they are being advised under the terms of the contracts that the funding will not be resumed.

I will deal at some length with the appropriate minister whose program it is, but I want to say this is a matter of immense and serious concern to me because the program has a mutual benefit to members of the public and the ministry. I thought it was secure in relation to the questions we had raised about it during the estimates.

There are two purposes. The bail program prevents the unnecessary incarceration of accused persons in one case by providing more complete and more accurate information to the court more quickly than would otherwise be provided and, in the second case, by providing a form of surety for an accused person who because of poverty or family circumstances would be unable to produce one. There were reasons for the program. Those reasons exist. The member for Kitchener and I speak with one voice on this matter, which is unique in itself. I will also deal

at some length with that matter when we get to the concurrence for the Ministry of Correctional Services.

The second matter I want to ask the Provincial Secretary for Justice about is that, on at least one and I think two occasions in the House of Commons, there has been an exchange between a member of the Conservative Party from Nova Scotia sitting in opposition and the Minister of Justice, the Honourable Mark MacGuigan. I am not certain the opposition member sits from Nova Scotia; he may sit from Ontario; I am not certain about that. In any event, the matter related to whether Donald Marshall was going to be compensated in any way with respect to the 11 years he spent in prison.

The Minister of Justice of Canada chided the member who asked the question by saying, "If only Nova Scotia would do what Ontario is obviously doing in this matter." I know we have talked about it at great length. I have certainly put on the record two or three cases that have come to my attention with respect to the way in which, in my view, people have been unjustly treated by the justice system. On the question of compensation for them, it is difficult for the provincial secretary to understand they are victims of crime, victims of the criminal justice system. They are persons for whom the justice system has failed.

The question appears to be that something is being done in the province. There was talk about some kind of study of it. What is it that the Minister of Justice of Canada appears to know that we in this assembly do not know? If there is an internal report on the matter, or if there is a process specifically going on where something positive has emerged, I ask the Provincial Secretary for Justice to share it with us.

**1:40 p.m.**

My third and last comment is about how the Ministry of Correctional Services deals with the question of the Young Offenders Act and the imminent likelihood it will come into force in April 1984, and then in April 1985 would include the 16-year-olds and 17-year-olds within the jurisdiction of the youth courts. In the estimates of the Ministry of Correctional Services, and I quoted this yesterday to the Attorney General, the Minister of Correctional Services said: "In yesterday's remarks regarding young offenders I believe Mr. Renwick made some reference to the fact that the Minister of Community and Social Services (Mr. Drea) and myself as Minister of Correctional Services were involved in



some kind of heated debate and dispute regarding to whom the responsibility for young offenders might fall."

Mr. Spensieri interjected, "At loggerheads." The minister continued: "I just want to assure him and the members of the committee that we have had some discussions not only between the minister and me but also between our senior staff, and about all they have been is discussions. There is no disagreement or what have you. We have both stated our cases and we will await the decision by those who will finally make one based on the information I have just given the committee."

The Attorney General (Mr. McMurtry) yesterday responded to my comment, which I have just repeated. "As to the young offenders legislation and the designation of the ministry, this is a matter which is under active review. I would like to think the decision that will be made will be made by cabinet as a whole"—and we would assume that it would be. "I would like to think the Attorney General and the Deputy Attorney General will have some influence in the decision. It is hard to really predict just where these discussions will end, but I agree with the member that we have to get on with that issue because it is of increasing concern."

In the responsibilities I have, which are spread across four ministries of the government in the field of justice, I raised at some length in the estimates of the Ministry of Correctional Services the two conflicting theories about which ministry should have responsibility.

More important than the theory, more important than the ideological discussion about punishment as contrasted with treatment and care, is the fundamental question about the availability and choices which a judge has, when making a decision with respect to a young offender, in order to adapt to the best possible circumstances, the welfare of that person within the justice system, having regard for the security of society that will best further the reformation of that person.

It is obvious, if one reads Judge Beaulieu's comments in the two cases which were provided to me by the Ministry of the Attorney General, there are very limited choices available to a judge sitting in the provincial court, family division, for the disposition of young offenders' cases right now. I think the ministry has got to forget the jurisdictional dispute between the ministries.

It has to come to grips with the fundamental question of the broadest possible range of

options available to the sentencing judge, having regard to the welfare of the accused person, the convicted person before him and having regard to the security of society. Then the ministry can begin to cut through the nonsense of discussions which are not going anywhere, discussions which obviously were in a state where somebody has to make the decision.

I have to accept that cabinet will make the decision. I want to know who will make the recommendations to cabinet and how those recommendations will come forward. I am not even asking to be made privy to what the recommendations are. I am asking for whatever light I can get from the minister because I can get no light anywhere else. I doubt if I will get very much from the minister as to what is going to be done about the question of the facilities available to a sentencing judge when considering what the sentence should be on a person convicted of an offence under the Young Offenders Act. I think we have to know that.

There is a large problem. The only contribution I know of is one that the former Provincial Secretary for Justice, now the Provincial Secretary for Resources Development (Mr. Sterling), made to the argument when he provided the statement to the Premier (Mr. Davis) so he could raise the question of funding at the August 1982 meeting of the Premiers.

Since then the thought processes of this government have stopped. We had tabled today in the assembly, with an accompanying statement by the Minister of Community and Social Services, the recommendation of that ministry very specifically stating that they be the lead ministry, after the studies they had done and after all of the reorganization of that ministry with respect to young people that took place under the present Minister of Health (Mr. Norton) when he was Minister of Community and Social Services and when the associate deputy minister was a seconded judge of the family court.

This matter, I fear, is going to be resolved not by intelligent assessment of the needs of the system to adapt to the Young Offenders Act but by default. There will not be any change; there will not be any facilities, because one of the principal recommendations now framed in the Young Offenders Act is a separation of the process with respect to all aspects of the process for young offenders.

Those are the remarks I have on the concurrence in these estimates. I would appreciate any



comments the minister may care to make about them.

**Mr. McGuigan:** Mr. Speaker, I would like to remind the Provincial Secretary for Justice that some months ago a number of us in the Legislature and in the public were concerned about the results of the introduction of pay television in Ontario.

I am glad to report from an article in yesterday's *Toronto Sun* written by Jim Slotek, who is a commentator on entertainment, that apparently our fears were unfounded. What he actually says is that, because of complaints from the public, the two pay TV channels are leaving off their programming some of the worst sado-masochistic movies. What this really tells us is that the public has a far better way of dealing with these things than perhaps we do here in the Legislature, and I am encouraged by that.

But I do have a concern about the things we are trying to do by legislation. These are matters where largely children, who do not have the funds to influence these things, are subjected to what I think is rather poor taste in entertainment. I am speaking particularly about a movie called *Scarface* currently playing in Toronto. This is a remake of an old movie theme of several decades ago, but it has been described by a movie critic as a Babylonian extravaganza of violent crime, including dismemberment by chainsaw, disembowelment by stabbing and other various sorts of murders and beatings. The film is centred on the cocaine trade. But the interesting part that caught my attention when I heard the critic on CTV's *Canada AM* was that he said that each succeeding nausea of blood and guts is greeted by cheers and applause by young audiences.

**1:50 p.m.**

I suppose probably some of those young audiences are simply taking it as a big laugh and a big joke, and I guess if it is seen in that light that we have nothing to worry about, but I do worry about young people who might see this as a modern trend, as the way in which we are moving.

When we look at street crime, which the federal Justice Minister admits is on the increase, we have to wonder about the facilities we have to look after these matters. Apparently, the censor board has passed the movie, and perhaps the only last line of defence would be through the Attorney General in laying charges on obscenity grounds.

What I am suggesting is that the minister talk

over this matter with these various gentlemen and see whether or not he has a role to play in a matter which is of some concern to the public.

**Hon. Mr. Walker:** Mr. Chairman, I would like to respond to the contributions made by the three honourable members and thank them for their comments. Their comments really do weigh upon us and there are frequent occasions when in our deliberations we take into account some of the observations made in this House, made at estimates time and made in direct correspondence with us. In the past, I have found useful the views that have been expressed.

The bail project is no exception. I had a certain stake in the bail project, having started it some four years ago as an experiment. Basically, I can sympathize with the concerns expressed by people who have become very much a part of it.

I suspect the line minister responsible, the Minister of Correctional Services (Mr. Leluk), will respond in a much more comprehensive way to the issue when the matter is raised at his concurrences in a few moments' time. But it is fair to say that all of us feel that whenever any program disappears, there is a certain something missing that we would prefer not to have missing, and this is one such case.

I know the minister has to weigh his concerns. The member for Kitchener (Mr. Breithaupt) very rightly pointed out that changes occur and a variety of needs develop from time to time. I know the minister is faced with pressures based on the allocations with which he is provided in this House. On the basis of those allocations, he must make his needs fit the bill we have. That is the kind of problem he was faced with.

I do not think the process of making decisions relating to the bail project in any way diminishes the value of the project. It is just to say that sometimes there is greater value which will come from other projects and other community endeavours. To the extent that program has had to undergo a review and be modified, I know that certainly is something the minister has found very difficult to do. It was simply a case of weighing aspects that were more attractive on one side than on the other and concluding on that one side.

I am sure the minister will respond more directly in a few moments' time to the issue of the bail programs. They have served well in their period of time. Sometimes in some cases, they have outlived their usefulness in certain areas. Even the studies suggested that there

were uneven results, and the member made some reference to it himself. So there are new avenues to pursue, and the minister has chosen to go in that particular direction.

The member for Riverdale (Mr. Renwick) raised that issue as well, and both members touched on the items involving victim justice. Victim justice is certainly coming into being in a much stronger way. When we first started talking about it some four years ago, victim justice was not in any way countenanced by any organization. It was almost a surprise to hear the views of the federal government of the time, but things have changed and there are a lot of new positions which are being advanced today, to a point where even the throne speech in Ottawa made some reference to victim justice.

The federal Minister of Justice, Mr. McGuigan, made comments back in July, following some presentations I had made and following, as well, the victims task force which was, by and large, set up under the Ontario Provincial Secretary for Justice, with the Deputy Provincial Secretary for Justice in charge of it, basically accepting the recommendations and intending to bring in changes to the Criminal Code that reflected victim justice. I think particularly of the victim impact study and a few other matters that were in the request we put to the minister several years ago now.

We will see victim justice becoming much more a part of our day-to-day routine and part of our theology when it comes to justice, that victims are very important in the process and more attention must be paid to them. During the years remaining in this decade, we will find victim justice being very much at the forefront in the whole justice field.

In terms of the question raised specifically by the member for Riverdale on what the Minister of Justice and Attorney General for Canada was hinting as to what Ontario might do in the case of being faced with a Donald Marshall situation, it is fair to say that while it is under review within the Ministry of the Attorney General, there has been no conclusion drawn—we are some distance from that—other than to say it does fit in with the concept of victim justice. I share with the member the view that victims are—

**Mr. Wildman:** If you bring back the death penalty, it will be very hard to compensate anyone who has been hanged.

**Hon. Mr. Walker:** There is no doubt that is a very truthful observation, but victim justice will certainly take a place in our own justice system

and this kind of approach fits in with it. We are anticipating some observations from the Attorney General.

In terms of the Young Offenders Act, there is no dispute between ministers per se. I am the principal negotiator on the question of the Young Offenders Act. Until I have concluded the negotiations on behalf of this province with the federal government, it is impossible for the cabinet to arrive at a conclusion as to whether or not it better fits within the Ministry of Community and Social Services or within the Ministry of Correctional Services.

There is the issue of funding. In some cases, funding is welfare-related and, therefore, related to the Canada assistance plan and that has a substantial bearing on it. It depends on how the funding issue is sorted out. Mr. Kaplan, the Solicitor General of Canada, took the whole issue of funding to cabinet yesterday. To the extent that is ultimately played out and to the extent we ultimately agree, that will have a substantial bearing on what my recommendations will be to cabinet on the matter of the funding issue. From the funding issue will flow the decision on where it will fit best within government, whether it fits within Community and Social Services or Correctional Services.

I expect that to happen very quickly. We intend to be in Ottawa towards the end of January for the final negotiation period. Given that the Young Offenders Act will be proclaimed on April 1, 1984, in so far as the 12-to-15 year-olds are concerned, and in so far as it will be proclaimed a year later for the whole issue of the 16- and 17 year-olds, one can rest assured that it is important to us to have that decision, to have the agreement as quickly as possible. I can assure the members that will happen.

I would like to take into account the observations of the member for Kent-Elgin (Mr. McGuigan) and thank him for his views.

Resolution concurred in.

2 p.m.

#### CONCURRENCE IN SUPPLY, MINISTRY OF THE SOLICITOR GENERAL

**Mr. Breithaupt:** Mr. Speaker, on this matter, I will not take much of the time of the House other than to ask the Solicitor General (Mr. G. W. Taylor) to bring us up to date with respect to the incident in Fergus last June that I had raised with both him and the Attorney General (Mr. McMurtry). The members may recall that the Attorney General commented, during the con-



currence for his estimates yesterday, that the matter continues to be under review with respect to the involvement and activity of the crown attorneys in that county. I am content with that point in that the sorting out as to whether they were particularly involved or not is something we shall hear about in due course.

As I understand it, we have now had some further information from the police commission to the Solicitor General. I would appreciate it if in his response today he can advise us as to what has happened since the matter was brought before the Legislature by me on November 22.

**Mr. Renwick:** Mr. Speaker, the question of the Solicitor General of Canada has come up in connection with the problems relating to the Young Offenders Act. I am delighted that there has been some minor form of divine retribution by way of a Metropolitan Toronto Police officer who stopped the Solicitor General in his tracks the other night. There are a couple of questions I would like to ask. I am not asking that it be a public matter but, in view of the nature of the press report, I ask the minister whether he himself would investigate the circumstances of the stopping of the Solicitor General.

The press report indicated he fumbled somewhat for his driver's licence. He did not produce it but produced some document showing who he was and his status as the Solicitor General of Canada. I have no criticism of that. Whenever the police stop me, I have trouble finding my driver's licence as well. Seriously, I ask the Solicitor General to try to find out whether the proper process was followed. I believe from the press reports it probably was, but they were so interlarded with comment that I think it deserves the minister's attention.

I do not know what the Solicitor General is doing with the Police Act. He has been talking about it for ever, that it is in some kind of process. We desperately need a new Police Act. It is inhibiting any process of reform and regularizing of police practices and bringing them up to date in all respects, particularly with respect to the obligations of the police to citizens under the charter.

Early in the next session, I think the minister should either table a draft of that Police Act or make available to the public whatever he has about the Police Act for some form of public comment. If he does not have anything, he should say so. If he has something, he should not think for one single moment that an act of such immense importance to the province can be

tabled in this House as a *fait accompli*, having gone through some long gestation process.

My guess is that the minister has a draft. I am asking that it be made available in the early days of the next session at the latest for public comment, public review and public statement of concern. We have come a long way from the time when the Police Act, as we know it now in Ontario and the lack of regulations under it, is adequate to meet the need with respect to police forces throughout Ontario. Only public exposure will indicate that the framework of the law behind the police is modern, up to date and adapted to the needs of the community. That matter is one I feel strongly about.

When the Police Act comes in, I want to give the minister notice I will be moving an amendment, if I am still here at that time, to outlaw the use of the polygraph by the police in the same way we did under the Employment Standards Act a few days ago after considerable debate in this assembly.

I draw to members' attention that by accident last night, when I arrived home and flicked on the television set about midnight, I heard a first-class dialogue on the Nightline program of the American Broadcasting Corp. on the question of polygraphs. In the United States, Congress ordered a study on the state of the art. All the mythology is around, among those who support the polygraph, the false proposition that people should be entitled to prove their integrity by taking a polygraph test. That distortion of the English language and the justice system is abhorrent to me.

I would appreciate it if the minister would do whatever is necessary so that when the bill does come in and I have an opportunity of moving that amendment, his people will be as informed as possible on both sides of the question so that there will no difficulty on his part in accepting my amendment.

The third item I want to deal with is the question of the peace activists who were subject to search warrants in the Litton Industries matter. As far as I am aware, the only arrests that have been made in that matter are of five persons who were arrested in British Columbia on January 20, 1983. The bombing took place on October 14, 1982. During the month of December, in the early weeks of December, there were police raids in Toronto and Peterborough on the homes and offices of organizations actively devoted to the peace movement. In January, arrests took place in British Columbia.

Remarks were then made, which turned out



to be incorrect, that other arrests were going to be made in Ontario within a very few hours of the arrests in British Columbia. Fortunately that was corrected in the press. Then in April, when as I understand it the preliminary hearings took place or there were court appearances in British Columbia, there were other discussions and such comments in the headlines by the police as "We are in no hurry in Ontario" and "We will be having discussions with the crown about these matters."

I want to know whether, as I specifically asked in this assembly on or about January 22—I cannot remember the exact date but it was the earliest possible date available to me after the arrests in British Columbia—there was any evidentiary connection between the persons who had been subject to the raids by the police in Ontario and the arrests made in British Columbia. I have never had a satisfactory answer to that.

**2:10 p.m.**

The people who were subjected to those police raids, who belong to the peace movement and who are activists in the movement, are entitled to have it clearly stated at this point, 14 months later, one way or another whether the police investigation has concluded, whether the police were on a legitimate police operation or were engaged in a fishing operation, whether there is continuing surveillance of those persons and whether in a clear-cut way something can be done to remove the cloud that was cast over those persons by those raids. The minister is well familiar with it. I outlined it at some length in the House when the occasion afforded itself, I believe some time in February of last year. The dates and particulars are all available.

I think it has to be clearly understood that if there are charges to be laid and arrests to be made, the obligation on the police now is to deal with that matter and not to wait in the hope that somehow or other they will then uncover evidence. If they do not have any evidence by this time, those persons are entitled to be so informed. They are also entitled to be so informed from the point of view of the effect those raids had on the legitimate peace movement in Canada.

I know it is difficult for members of the Conservative Party, with very odd exceptions, to understand that persons committed to the cause of peace are not doing something wrong. I know it is difficult to understand that belief in the fact that nuclear destruction is not the end of man is not a position which can be derided. I

think the ministry and the government have to understand that if a person stands up and says he is against the testing of the cruise missile on Canadian territory, he is not thereby somehow or other breaking the law of the land or has not thereby become some form of subversive or traitorous person.

What has been bothering me from the moment this question came up was the incapacity of the authorities to understand that there is a legitimate peace movement that is entitled to the greatest and utmost respect. If, in the course of the operations of the police, it was necessary to carry out those searches because of the seriousness of the offence that took place at Litton, it is equally incumbent 14 months after the date—as I have waited and waited for some statement to be made that while it was within the legitimate police process to have carried out what they did carry out, and I can understand that the police might well think that, those persons are entitled to be cleared of any cloud of suspicion.

If they are not entitled to be cleared, then it is up to the police to proceed now. But it is absolutely essential that persons who are law abiding, against whom there is no traditional background of antisocial activity and who are engaged in a legitimate protest movement in Canada as members of a nonviolent activist society—those persons and all those associated with the peace movement are entitled to have that cloud erased from them.

I do not know how else to put it. I hope I have communicated with the Solicitor General on the importance of the matter. In any political sense one cannot, regardless of one's personal political views, doubt the sincerity of the vast numbers of people in this country and elsewhere who are engaged in the peace movement. He may differ with them, but he is not entitled to doubt the equal sincerity of their views.

I expect a response from the Solicitor General on a matter of extreme concern.

**Mr. Bradley:** Mr. Speaker, I will be extremely brief, in keeping with the implication that we are supposed to be brief this afternoon, in simply bringing to the attention of the Solicitor General the concern that many of us have for the composition of police commissions.

He is aware that in the Niagara Peninsula at the present time the police commission will have three vacancies as of January 1, I believe. Judge Donald Scott, Mr. William Greaves and Mr. B. P. Davies will be leaving at that time, one person by choice and two by the new regula-

tions or legislation brought in to ensure that people cannot serve beyond a certain period of time.

Once again, I implore the minister to give serious consideration to providing at the minimum for a majority of members of a police commission to be elected members. In other words, the regional council in this case would have the opportunity to appoint three out of the five members so they have a majority because they are directly responsive and responsible to the needs of the people who elect them in a democratic system.

Failing to do that through legislation, as we are obviously not going to do now in these appointments, the minister would receive a lot of applause if the provincial appointees are people who are elected members of the regional council at the present time. That would certainly go a long way towards indicating his good faith and his belief in the democratic system as being the most responsive to the needs of the people in a specific area.

No doubt there are some names that have come forward to the minister but I am concerned that as of now, December 16, we do not know who the new people are. Perhaps he has chosen them and they will simply be announced later, but I think even the other two people on the commission at the present time who are elected people are concerned that the new people will take over on January 1 or shortly after that and they will not have had any experience with the police commission. They will therefore have a fair amount to learn before getting involved in the job.

A second way, since we look at the reality of things as they are as opposed to the legislation, is to consult with a number of people in the community—heaven forbid, even the opposition members—over those who might well be reasonable people to serve on a police commission. Perhaps it is going a little too far for the minister to ask that those of us who were elected in the last election might have some input into the process, even if it were notification of the appointments to determine whether there is a large objection to the specific person to be appointed.

Other ways might include getting suggestions from people in the community, from local councils and others who might be able to provide the minister with information about those who can best serve.

As the minister knows, the major complaint in an economic sense against police commis-

sions in Ontario has been the fact that regional councils and others providing the funds for policing are in a position of simply having to provide the funds when the commission asks for them. I well recall that a couple of years ago, a 22 per cent increase was proposed by the police commission for police services in the Niagara region, and all of this while the chairman of the region was telling other departments in the region they must keep their increases down to seven per cent or five per cent or whatever it was in that year. I think a lot of those senior civil servants felt they would have liked a 22 per cent increase if they could get it.

I am simply asking that the minister make the police commission a more democratic body by appointing to it democratically elected people. I hope he does that through legislation and I would urge him in his appointments to take a unique step, perhaps a first step in appointing elected people, people already elected at the local level, to the police commission to serve in what I feel would be a very good capacity. I leave that with the minister in the interest of brevity today.

**Mr. Wildman:** Mr. Speaker, I have two or three small things I want to raise. I will raise them quickly and I will be brief, unlike the others who said they would be brief and have not been.

If I could have his attention, the Minister of Labour (Mr. Ramsay) indicated in his earlier comments that he had lobbied the Solicitor General with regard to mandatory inquests in cases of industrial accidents and fatalities in the work place.

**2:20 p.m.**

As the minister will know, it is required that inquests be held in mining deaths and construction deaths. However, since January 1983 there have been 201 inquest decisions in total, of which 53 of these inquests have been into work place deaths in all three sectors: mining, construction and industrial.

Of the three sectors, inquests are mandatory for construction and mining deaths, as I have said. The largest number of deaths is in the industrial sector. For that reason, although my leader does not want me to proceed, I will proceed. I think it is important the minister respond to the request of his colleague the Minister of Labour and change the act to require there be inquests into industrial deaths as well as construction and mining deaths. As the minister probably would agree, many of the



recommendations made by coroners' juries could be very useful in suggesting ways to avoid further deaths.

The other thing I wanted to mention is the question of the Indian policing agreement. I would like to know what the status of that is and also of ensuring that Indian band constables have pension benefits, which I understand they are paying towards.

I would also like to know what progress, if any, the minister has made in bringing about a legal definition of fire teams and firefighters in the unorganized communities of northern Ontario. In his letter to me he agreed that these individuals who volunteer to protect our communities against fire do not now have any legal status with regard to being firefighters.

**Hon. G. W. Taylor:** Mr. Speaker, I will try to be as brief as possible with the answers. I know the leader of the third party wants to get home to see his wife. I think we all want to do that—not his wife, but our own wives and children. I received his Christmas card. He has a fine, lovely family on the Christmas card.

I will come back to the point because I know our House leaders will be reading this and wondering why, after instructions to keep it brief, we did not keep it brief. However, the member for Kitchener (Mr. Breithaupt) talked about the Fergus matter. I have the report from the Fergus police. It was a lengthy report with considerable—

**Mr. Breithaupt:** From the Fergus police or the police commission?

**Hon. G. W. Taylor:** From the police commission of Fergus regarding the Fergus police incident. It is a thick document of background material. I have it now and my deputy minister is reviewing the material to see what direction or what action we will take on it. I have quickly perused it. I gave me sufficient concern that I put it into his hands to look at the legal processes that might be available to us, what procedures we might use or what actions we might take.

The member for Riverdale (Mr. Renwick) wanted me to intervene in something divine that happened to my federal counterpart. Solicitors General seem to be having a problem in our country these days. I hope nothing befalls me. As reported in my brief information on it, I believe the officer acted on the material he received and on the evidence which was before him. He used his discretion in laying those charges or proceeding in the manner the evi-

dence indicated. However, I might inquire further for a little more detail for the member. I noticed the officer is an experienced officer and has received citations for his work in the past.

Regarding the Police Act, I will have it ready for some type of introduction in the spring, be it for first reading, for perusal or for comment. If it is not for first reading, I will definitely have a paper which can be reviewed as a document. However, like the member, I hope the staff will have it ready for me and the committee which is reviewing it so I can introduce it for first reading.

The peace activist one in general broad character is Litton Systems Canada Ltd. I will have to obtain further information on that. I do not have an answer for the honourable member at this time. I am sure the member has a feeling for the peace movement, as we all do in this Legislature in some form or other. Naturally, I hope to have the information which is available and on which I can comment, so he can be assured that the activities of the police were conducted in accordance with the law of all of the jurisdictions. I will get what information is available and report it in letter form to the honourable member.

The member for St. Catharines (Mr. Bradley) referred to the police commission. I am aware of the vacancies. The legislation went through this Legislature in a form that will increase the number of municipal participants in the new year. I hope to have that in place by February 29 so an elected representative or someone of the municipality's choosing can be on that particular commission.

I have received correspondence from the member for Algoma (Mr. Wildman). In the mandatory inquest situation, in each accident, a coroner does have what—

**Mr. Wildman:** I do not want them to have the discretion. I want it changed so they do not have the discretion in industrial working places.

**Hon. G. W. Taylor:** I recognize what the member wants. I can assure the member the coroner does perform an investigation. He then has to exercise his discretion on the facts that are before him, as the member has suggested, to warrant whether a further investigation should be carried out by way of an inquest.

There are numerous statistics on the matter which I will not go through now. They come out in our annual report. Along with my colleague, I shall take the member's comments into consideration and perhaps we could see our way clear to changing that particular feature. They are



there now in certain industrial situations. I cannot really find fault or any hindrance to proceeding further with it. I will discuss that with my colleague the Minister of Labour (Mr. Ramsay) to see if it could be transferred to a greater portion of the work place. It would give the workers the security of knowing any recommendations coming out of an inquest could provide for a safer work place.

With regard to the fire teams definition, we are working on the firefighters act now; along with the Police Act, it is just about ready for introduction. I will take the definition of fire teams into consideration when I am reviewing the final draft.

The Indian police agreement has finally got around to some definition. There are some outstanding matters in that among the federal government, the provincial government and the Indian bodies that are the third party to that agreement. That has been resolved now and the cost sharing is now being worked out among the federal minister responsible, our Provincial Secretariat for Justice and my own ministry as to the final details of that agreement.

When that is completed, we will bring it in also in regard to consideration of pensions. I know he has raised a point which I think is a fine point as to whether they are caught within our two government restraint plans. There is a complication there that I do not think was foreseen when we were putting the agreement together. It was not one which was specifically raised at my discussion level on it. The member has brought that to my attention in correspondence and I hope when we are doing the final details on it that will be considered.

Those are my brief comments to the items that have been brought up by the members in this concurrence of supply.

Resolution concurred in.

2:30 p.m.

#### CONCURRENCE IN SUPPLY, MINISTRY OF CORRECTIONAL SERVICES

**Mr. Breithaupt:** Mr. Speaker, first, if I can just get a response from the Minister of Correctional Services (Mr. Leluk), he was in the House when the matter of the bail program was raised by me and by the member for Riverdale with the Provincial Secretary for Justice (Mr. Walker). I am particularly anxious to know the reasons and the background for this event which comes upon us, as the member for Riverdale said, just 24 hours and a little bit more since his comments that consideration and consultation would occur.

I look forward to hearing the comments he has to make on this theme with the hope that reconsideration will occur and this valuable program will be continued. I particularly look forward to having made public the report by Sheri Lee Davis, to which I referred, as to the usefulness and practicality of this program which, as far as I was informed, was shown in the conclusions that were reached, albeit in two examples, I understand, there were some further recommendations or some greater changes that were to be considered in Sudbury and in Ottawa.

I am most interested in this from the comments I have made, particularly as we look to the whole theory upon which this program is based and also as we look to the statement of the provincial secretary this morning, to which I referred, which called us all to consider the victim and those charged and convicted of perpetrating a variety of offences. The bail program is a most useful aspect of the administration of justice within the province, and I look forward to the Minister of Correctional Services' views and explanations on this matter.

**Mr. Renwick:** Mr. Speaker, I have three very brief items and I also want to speak about the bail program question.

I would ask specifically of the minister, now that his colleague the Minister of Intergovernmental Affairs (Mr. Wells) had introduced for first reading Bill 153, An Act to revise the Election Act, that the ministry would work closely with the Minister of Intergovernmental Affairs and the government House leader on the question of providing the process by which persons held within institutions under the minister's jurisdiction on election day would have the opportunity to participate by voting in provincial elections.

I raised this matter in the estimates and the solicitor in the ministry responded about the consideration that was being given to the matter. I think it is absolutely essential that when An Act to revise the Election Act is passed, there should be very clear and specific provision allowing persons within institutions to cast their vote. I do so not only because that is something I believe should take place, but also because under the political rights guaranteed in the charter, I think we should be in advance of anyone in making such a provision.

On another matter, while I do not believe we can have an overall hearing about the needs and necessities for the new Metro detention centre that was going to be built, I really urge the

minister, as quietly and as persuasively as I can, to provide some method for public hearings or public discussion in some way not only about the need for such an institution to establish whether that need is there, but also on the question of the location of the institution.

In my view, that is a most important opening up of the ministry to some sense of public participation and discussion about major questions. We would all learn a great deal from it. There are people in the community, both as individuals and groups, that would be very much interested in participating in a positive and constructive way on the question of the need for extra facilities in the Metropolitan Toronto area. It may well provide a model for the ministry should occasion require it elsewhere.

I do not believe for one moment they need to be extended discussions. I do, however, believe it would be important for the ministry to sponsor such a process, whatever the process may be, and for the minister to make available the reports, internal studies and other documents which led him to the conclusion he needed such a facility.

I need not pursue at this time my concerns about the jurisdictional questions and the final decisions about which is to be the lead ministry, or how the arrangements are to be worked out in connection with the Young Offenders Act. I have spoken on the concurrence in supply for the Attorney General yesterday and on the concurrence in supply for the Provincial Secretary for Justice earlier today. I believe the minister was in the House on both occasions.

I do not need to repeat my remarks, other than to say I think it is absolutely essential that the prime starting point in whatever decision is finally made is to provide the sentencing judge in the youth court with the widest possible range of choice and options about care, treatment, punishment, all of the aspects of sentencing, so the most appropriate sentence, care and treatment can be provided to the person who has been convicted and stands before the judge for sentencing.

We had a considerable discussion in the estimates about that matter. I think it is essential an early decision be made. As soon as it is made, I hope it will be made fully and publicly with a complete explanation.

I raised the question of the bail program yesterday in the concurrence for the Ministry of the Attorney General. My colleague the member for Kitchener and I have spoken about it this morning and I believe my colleague the member

for Kitchener-Wilmot (Mr. Sweeney) also wishes to speak about it. What I want to draw to the attention of the minister as briefly as I can is that I am concerned about whether the problems in the Toronto York Bail Program which led to the dismissal of Ruth Morris as the director of that program were the precipitating cause which led to the decision to cancel all the contracts without any public statement.

I will refrain further because I would not consider for a moment that the minister was simply waiting for this session to be over before he made an announcement about that matter. I know some people might think that, but I would not. Therefore, along with my colleagues, I ask the minister, while there is still time to reconsider the decision, to cancel those contracts.

They are contracts which provide a service at a community level by people interested in the community matter, which I think is of great value and cannot necessarily be expressed only in dollars. I do not know of any alternative process which would be anywhere near as acceptable as the process that has been developed under the bail program.

**2:40 p.m.**

I know the matters have been monitored by the ministry, as quite properly and appropriately those 12 contracts should be, but I had no idea the minister was moving so quickly to a decision to terminate them at the time the questions were raised in his estimates as late as October 26 and 27 of this year; certainly as of yesterday the Attorney General (Mr. McMurtry) said that to his knowledge no decision had been made. Yet, as the director of the minister's branch had said, there was a judicial content to this matter and they could not possibly be cancelled without consultation with the Ministry of the Attorney General.

I do not know what the situation is; I have no idea of it. But I want to have, along with my colleague, the evaluation study that was part of the process of making the decision. I want to know whether in the case of the Toronto/York Bail Program there were some objectives of that association that did not meet with the approval of the ministry. I want to know why it was decided that these programs should be cancelled when they benefit some 1,000 persons across the province, of whom, in rough figures, 500 are in Metropolitan Toronto.

It does seem to me, and I am no mathematician, that the overall cost of providing this essential service both to the courts and to the individuals concerned is negligible and that the



community participation factor is of immense importance.

I particularly draw to the attention of the minister his response to me in the estimates, which seemed to me to be clear and unequivocal, although I had a little difficulty getting an answer to my question. It is on page J-306 in the estimates of the ministry. My question, after an interchange that I will not need to read into the record, is very brief.

"Mr. Renwick: Was there any reason for dissatisfaction on your part with the performance of the bail program?" That is in connection with the Toronto/York Bail Program.

"Hon. Mr. Leluk: No."

There was some further discussion, and Mr. Evans, the executive director of the community programs division said:

"Mr. Evans: There is a considerable amount of thinking about and review of the whole relationship of bail to the Ministry of Correctional Services . . . As you are well aware, the business of bail is really a judicial function and certainly would be something we would have to take up with the ministry responsible for that in the situations that are involved."

Then as a result of those matters I repeated them again yesterday to the Attorney General, and I have already quoted his remarks. The minister has heard what my colleague the member for Kitchener (Mr. Breithaupt) has said. I await with interest what my colleague the member for Kitchener-Wilmot will have to say on this matter.

I am disturbed that in the dying days of the assembly, when by accident the concurrences of the Ministry of Correctional Services are before us—it is in some sense accidental that the matter came up at this late point—I had no indication that the minister had intended to make any public statement. I think it would have been wise, that decision having been made, for a public statement to have been made setting out the reasons for that decision, setting out all of the process by which the decision was raised and, more important than anything, indicating very clearly whether there was full and complete consultation with those persons who have provided the service through those 12 contracts on a fee-for-service basis over the last three years in the province, and also the fundamental question of who is going to provide the substitute verification services for the courts on bail applications and the question about those persons whose circumstances do not permit them to provide surety but who, through the

facility of the bail program, were able to be out on bail with all of the advantages that this has with respect both to their trial and to the justification for it.

I find it extremely difficult to understand that the minister would be considering the need for an extra centre when we are talking about 400 or 500 people who, but for the bail program, would not be out on bail.

In my last comments in this session of the assembly I can do nothing else than to beg the minister to reconsider this decision as being one that I think is ill advised and that should be reconsidered because, as I understand it, under the contracts he has until the end of January before he has to give something called formal notice of his intention not to review the 12 contracts. I ask his earnest consideration of that request.

**Mr. Sweeney:** Mr. Speaker, I had an opportunity this morning to confer with the Minister of Correctional Services on the accuracy of the story that is in the *Globe and Mail* today about the bail program being cut. The minister assured me it was an accurate statement and that we would have an opportunity at the concurrences this afternoon to discuss the rationale for it. That is the main reason I rise even at this late time. I will not take very much time.

The minister is well aware of the fact that I come from a community where alternatives in the justice system have set many precedents and have been very successful. Not only do we have a bail program called Youth in Conflict with the Law, but we also have the first community resource centre in Ontario, called Kitchener House; we also have a neighbourhood reconciliation program and a victim-offender program. It is for these reasons that the people of my community are very sensitive to these kinds of alternatives and to the positive advantages of them.

I noticed in the story in today's *Globe* that the justification for this decision specifically hinges on this one paragraph: "Jails are still crowded and the programs haven't been proved conclusively to cut down on the number of remand prisoners . . . Mr. Evans said."

I had an opportunity to talk to the people who run the program in my community and I was advised that in September, 13 young people were put under bail supervision; in October, 22; in November, 12. That is 47 young men and women who are out of jail who would otherwise have been in jail. These specifically are people who would not have been out were it not for this



program; that is the best information I have been able to get. I would remind the minister that having 47 young people under bail supervision certainly is preferable to having those 47 young people in jail at a much higher cost. The minister is much more aware than I am of the cost per day of keeping people in jail.

That is one point the minister must take into consideration. There may very well be some areas where this program is not meeting the expectations of his ministry. So be it. If his review and his consultation discover that, then changes obviously are required. But in communities such as mine where it is working, we do not believe it should come under this kind of blanket indictment; and in other communities where it is working, it should not come under this blanket indictment.

Second, I had an opportunity to get some feedback from the John Howard Society in my community. They bring to my attention several other advantages of this program not directly connected with the cost factor but certainly connected with the success of the justice system in our community and in this province. First of all, they point out to me that the people who are out on this bail supervision program are shown time after time to have better prepared their defence when they go back into court. We want that to happen and here is an example of where it does happen.

**2:50 p.m.**

We also discovered that the young people who come back into court come back with a better appearance, and judges have told us over and over again that this is a factor they take into consideration in making their sentence or in whether there is a conviction or an acquittal. We want that to happen.

Third, we know that those who stay in jail as opposed to those who are out on bail have a higher rate of convictions. I appreciate there are lots of reasons for that, but there is a direct correlation and it is something we must take into consideration.

Finally, while these people are out on bail supervision they can look after their own families, they can meet several community responsibilities and they can maintain their jobs. All of these are positive social and economic benefits as well as justice benefits.

All I am trying to point out to the minister is that we do not believe from the experience in our community that there has been sufficient consultation with the people running these programs, we do not believe he has all the facts

that should be taken into consideration and we do believe that some programs are obviously working better than others. Before this decision is made he should take into consideration the cost factor, but I think we can demonstrate that the cost factor can be positive as well as negative. He should also take into consideration those other factors, which are equally important, and then make his decisions in consultation with the people involved in the program and in consideration of these kinds of facts.

I can assure the minister that the people in my community, both the ones running the program and the judges, the police, the private citizens and the people in various levels of government, would be quite prepared to point out the success we have experienced in this program and in the other ones I mentioned earlier. I would urge the minister on this possible last day of our sitting to reconsider that blanket decision.

**Hon. Mr. Leluk:** Mr. Speaker, I am pleased to respond to the member for Kitchener-Wilmot, the member for Kitchener and the member for Riverdale (Mr. Renwick). I want to thank them for their concerns regarding the matters they have raised and I want to tell them that I share these concerns.

The member for Kitchener-Wilmot talked about programs in the community, alternatives to incarceration. This minister is totally supportive of our community programs. We have continually looked for new, innovative community programs that will be alternatives to incarceration. However, we must keep the public safety factor uppermost in our minds, the fact that the public has a right to be protected from dangerous and violent criminals.

Perhaps I should emphasize this point for the member for Kitchener-Wilmot. He may not be aware that on any given day in this province we have 6,000 people incarcerated in our 51 institutions across the province and an additional 36,000 people in the community who are on probation or on parole. That is a ratio of six persons to one who have committed offences who are in a community setting rather than the institutions in this province. So this minister is a firm supporter of our community programs, which have been in place since 1978, and I continue to encourage new and innovative programs in this area to provide an alternative to incarceration.

In relation to the bail verification and supervision program, this was not an easy decision for me to make as minister. I want to point out to the member for Riverdale, for

example, that the advantage of sitting on the opposition benches is that from time to time we are criticized, and this minister has been criticized along with his staff, for not taking any kind of initiatives with respect to the problem of overcrowding in our institutions. Yet when a program that is not serving its purpose is scrapped by the minister he is also criticized for taking it away. I am criticized even though it may not have been doing the job it was intended to do. It is a case of one being damned if he does and damned if he doesn't.

This ministry in 1979 first began offering bail verification and supervision services throughout the province at four locations. These were in St. Catharines, Hamilton, Kitchener and Toronto. The intent of the program was to reduce institutional overcrowding. This was to be accomplished by reducing our remand admissions and remand days' stay by providing bail supervision for those accused who were unable to provide surety or cash bail.

The funding for the pilot project I mentioned came from the Solicitor General of Canada's consultation centre and the work-load fund of the probation and parole branch of my ministry. Following the initial pilot year in 1979-80, the ministry assumed total responsibility for the projects and their funding since there were no other sponsors forthcoming.

As I stated earlier, the bail projects were originally designed to reduce institutional counts. To date we have conducted some detailed systematic review. Also, as was mentioned, a report was put together by Miss Sheri Lee Davis, after discussions with all the administrators involved in the 12 projects across the province.

**Mr. Breithaupt:** But they have not seen the report.

**Hon. Mr. Leluk:** Our staff has seen the report.

This matter has been under systematic review for some time. This decision was not made in isolation or overnight by this minister. I had some difficulties in making the decision that was reached.

**Mr. Renwick:** At one o'clock yesterday the Attorney General said that to his knowledge no decision had been made. It is on record. Those are his exact words.

**Hon. Mr. Leluk:** The Attorney General does not happen to be the minister who makes the decision with respect to this program. This is a program that is directly under the Ministry of Correctional Services.

**Mr. Renwick:** I do not understand that. It happens to deal with the administration of justice—

**The Deputy Speaker:** Order. The Minister of Correctional Services will continue.

**Hon. Mr. Leluk:** As I stated earlier, to date we have not been able to determine whether these programs have had any significant impact on the institutional population. The members opposite know very well that the institutional counts have been rising since this program was put into effect back in 1979.

**Mr. Renwick:** The director said in the estimates that the figures were on the decline.

**The Deputy Speaker:** Order.

**Hon. Mr. Leluk:** I think it is generally recognized that the bail projects have met an unfulfilled need of the provincial justice system. I do not deny that. However, there has been a lack of evidence to indicate success with regard to our correctional needs; that is, the specific needs with respect to the reduction of our institutional counts, coupled with the severe provincial resource limitations. This matter did go before the cabinet committee on justice and that committee unanimously endorsed the termination of this program.

**Ms. Copps:** So the Attorney General does not know about it? I guess he was away that day.

**The Deputy Speaker:** Order.

**Hon. Mr. Leluk:** The decision was endorsed by that committee.

**Mr. Renwick:** Is the Attorney General a member of that committee?

3 p.m.

**Hon. Mr. Leluk:** Yes, he happens to be a member. However, he may not have been at the meeting when this matter was discussed. I cannot answer for the Attorney General.

**Mr. Lupusella:** He is your friend, with the greatest of respect.

**The Deputy Speaker:** Order. The minister will just continue with his remarks and ignore the interjections.

**Hon. Mr. Leluk:** Mr. Speaker, am I going to have an opportunity to respond to the questions, or do you want me to sit down?

**Mr. Renwick:** No, sorry. I want you to respond.

**Hon. Mr. Leluk:** Not only was the decision to terminate this program endorsed unanimously, but the money expended therein, and the figure is somewhere in the neighbourhood of \$812,000,

will be reallocated to the growing demands of the probation and parole services branch.

I believe the member for Riverdale indicated in his remarks that there was concern the funding was going to disappear, and I want to reassure him and the other members opposite that this is not the case. These funds will be placed in other community programs, including drug and alcohol education and treatment programs. They will be placed in services to clients with special needs, such as the handicapped, natives and women, as well as life skills and employment programs, mental health services and, in large measure, to expand our community service orders program.

So those moneys are going to remain in the community programs division, and I am sure that in many of those areas where the bail program is currently in effect we will see some of those moneys placed in some of these other areas.

The member for Kitchener spoke about a Mr. Andrew Telegdi, whom I happen to know and for whom I happen to have a very high regard. The fact that this program is being cancelled has absolutely nothing to do with the personalities of individuals or with dissatisfaction by this minister with the services that have been provided.

**Mr. Breithaupt:** He should not have had to read about it in the paper.

**Hon. Mr. Leluk:** Let me answer that question too. I think the member for Kitchener raises a very valid point and I share his feelings in that regard. We had every intention of notifying those administrators of the 12 projects in writing, which is the way it should have been done. However, the media, as the member knows, have a way of obtaining information in advance, and it is unfortunate, as he has said, that these people had to read about it in the media.

I can tell the members we have letters in the mail notifying the directors, and they should receive those early next week. As a result of the news story this morning they were notified this afternoon and earlier this morning verbally by telephone.

#### CONCURRENCE IN SUPPLY

Resolutions for supply for the following ministries were concurred in by the House:

- Ministry of Correctional Services;
- Ministry of Agriculture and Food;
- Ministry of the Environment;

Provincial Secretariat for Resources Development;

Ministry of Tourism and Recreation;

Ministry of Energy;

Ministry of Natural Resources;

Ministry of Natural Resources, supplementary;

Ministry of Health;

Ministry of Health, supplementary.

#### CONCURRENCE IN SUPPLY, MINISTRY OF MUNICIPAL AFFAIRS AND HOUSING

**Mr. Cunningham:** Mr. Speaker, I have a speech I would like to make, which I have been saving up all year: 45 or 50 minutes on the benefits of electing your own regional chairman in your own community where you live. In fact, I have my notes prepared right here.

I would like the minister to reflect very seriously on the concern that exists within our community in Hamilton-Wentworth about the necessity of having region-wide elections. I still do not know what the aversion of this ministry or of the minister would be to such an incredibly democratic process whereby we would elect our own chairman, but I hope that in the new year the minister will have a point of view radically different from that he has had heretofore and that he will contemplate Hamilton-Wentworth on the basis of an experiment alone.

It is something that I think is worthy of consideration. The people in our area have been very clear, I think, in their requests for it, and we have the support, of course, of five of the six area members.

Resolution concurred in.

#### CONCURRENCE IN SUPPLY

(continued)

Ministry of Consumer and Commercial Relations;

Ministry of Consumer and Commercial Relations, supplementary;

Ministry of Industry and Trade;

Ministry of Industry and Trade, supplementary;

Office of the Provincial Auditor.

3:10 p.m.

#### BUDGET DEBATE

(concluded)

Resuming the adjourned debate on the amendment to the amendment to the motion that this House approves in general the budgetary policy of the government.

[Applause]



**Mr. Rae:** Just call me the three per cent solution, Mr. Speaker.

I am speaking on the subamendment—

**Hon. Miss Stephenson:** The 2.99 per cent solution.

**Mr. Rae:** Don't get me going, now.

I am speaking on the subamendment that was moved by my colleague the member for Windsor-Riverside (Mr. Cooke) at the time he was the Treasury critic for our party:

"Continuing the government's slavish adherence to the economic directions established by the Liberal government, policies which have resulted in the unemployment of hundreds of thousands of Ontarians;

"Ignoring the overwhelming evidence of the budget's own figures that the private sector in general and private sector investment in particular are not leading us to economic recovery, yet cutting back on vital public investment in environmental protection, housing, health, social services, agriculture and the north;

"Failing to introduce a major program to assist the construction of co-operative and non-profit housing to create jobs and meet pressing needs for shelter;

"Failing to respond to the unacceptable levels of unemployment among young people and women with concrete proposals to create permanent jobs and comprehensive skills training programs;

"Failing to respond to the needs of older workers laid off or threatened by technological change by the establishment of a workers' training fund, improved layoff and severance pay legislation and pension reform;

"Increasing once again regressive OHIP premiums instead of shifting this unfair tax burden to an equitable tax source;

"Failing to reform the funding of health care in Ontario by banning extra billing and user fees;

"Abdicating completely its responsibility for the economic wellbeing of Ontario's people through its failure to introduce any long-term investment proposals to plan for our future."

Mr. Speaker, how well those words read today. It is almost prescient that they are still just as relevant today as they were when they were moved some time ago upon the introduction of the Treasurer's budget.

I want to take this opportunity, if you will permit me, Mr. Speaker, not simply to respond to the budget that was moved last spring by the then Treasurer, now the Minister of Industry and Trade (Mr. F. S. Miller), but also to look at

the reporting update that was made available by the new Treasurer (Mr. Grossman), the master of tinsel and packaging, the public relations expert of the Conservative Party, who did such service, I think, as Minister of Health in trying to convince people that things were being done when they were not being done and who, as the Minister of Industry and Tourism, was the person responsible for the technology centres in the Board of Industrial Leadership and Development program.

But then we saw the report that was made by his successor in the Ministry of Industry and Trade, now the Provincial Secretary for Justice, the member for London South (Mr. Walker). There was a rather plaintive note when the member for London South was found by an industrious reporter to have allocated certain contracts without tender. The member was confronted with this fact and was asked, "Why did you do this without tender?" He said in effect: "You know, I was made responsible for Industry and Trade. When I got there the desk was bare, and I had this program to introduce, the program for the tech centres. I found that although an announcement had been made with respect to the establishment of these tech centres, there was no budget, there was no program and there were no people to put it into effect."

That is the Grossman solution par excellence: no program, no budget, no personnel. It was the same in the Ministry of Health and it is the same today in the Treasury.

I want to take just one concrete, specific example of what I am talking about. It is on page 40 of this packaged blue document, which was presented with such fanfare. I do not know why everything is done in blue and white; there must be some symmetry involved, I guess; I do not know. Anyway, the only difference is that their colleagues in Ottawa, their bosom buddies in Ottawa, would do it in red and white; otherwise it is exactly the same kind of pap that has been distributed to the Canadian people for so long. The Treasurer's signature is there saying: "This statement outlines the issues that the government will have to deal with in the 1984 Ontario budget. Suggestions from all citizens of our province are welcome."

What a measure of humility. If only others had demonstrated a similar humility today.

Quite apart from all the pap and bumph about the minister not being prepared to tell us what the unemployment situation really is and what he will be doing about jobs for younger people

and older workers, I want to read just one thing. It is on page 40 and concerns the steel industry. I only wish the Minister of Labour (Mr. Ramsay), the member for Sault Ste. Marie, were here to listen to this account of what is happening in Ontario's steel industry.

The Treasurer says: "Capacity utilization in the steel industry is almost 20 per cent above the average capacity utilization rate for 1982 as the result of an increase in overall demand for steel. Over the past 12 months, there have been improvements in employment levels at mills producing steel used for the production of consumer goods.

"In the first eight months of this year, demand for various hot and cold rolled products improved by as much as 30 per cent over the comparable period a year ago. However, demand for some other products such as plate and large-diameter pipe is still depressed. Canadian steel consumption is expected to recover by 11.2 per cent to 9.4 million tons in 1983 and to 10.7 million tons in 1984. Compared to most international producers, the outlook for Ontario steel producers is positive."

There is nothing in that statement that is not true, but there is so much in that statement that is not said. That is what is wrong with this kind of approach taken by the government.

Let us have a look at the reality of those towns that depend on steel, and depend on buoyancy in steel markets for their wellbeing. Sault Ste. Marie is one town that is in a major depression at the present time. It is a town that has been isolated for many years by virtue of the fact that its major employer, Algoma Steel, was able to ride out successfully many other recessions.

In fact I can remember very distinctly being there in 1981 and speaking at a number of public meetings. I warned of some of the things that were happening to the steel industry in the United States and in Hamilton. Yet there was a certain sense in the Sault of, "We are doing all right; we have just hired on new people, and we have just placed some new orders." The word coming from the company was all optimism and was all positive.

But about a year and a half ago, the market suddenly changed. Instead of having high employment and very high participation rates in the economy, the Sault suddenly found itself facing the reality, for the first time in nearly 50 years, that a great many of its people were not able to find jobs. A great many people were forced to go on unemployment insurance first of

all, and then literally hundreds and thousands more were forced to go on welfare.

Any account of the steel industry in this province should mention that in comparison with the way things were in 1980 and 1981 in major communities dependent upon steel, one of them, Sault Ste. Marie, today lives in the throes of a continued depression. It should note the company says employment levels are never going to return to what they were prior to the recession.

The same statement has been made by Stelco and the same thing is true of Dofasco. Instead of facing up to that fact and having the courage, guts and good sense to put that down on a piece of paper, what we have from the Treasurer here is all things packaged as if everything were going to be fine, everything were just hunky-dory and there were no real problems. "Compared to most international producers, the outlook for Ontario steel producers is positive."

What does that tell us about the state of the steel industry in Sault Ste. Marie? It does not tell us a thing. It does not allow any citizen who wants to make an input to have a real impact on this government. The government is so determined to present the world in a kind of Pollyanna light that it fails to come to grips with some of the major human consequences of this major recession which our economy has been suffering for such a long time.

**3:20 p.m.**

I come from a tradition of political thinking and political feeling in this province that is fundamentally optimistic. It is optimistic because it is based on the view that people can effect change. It is based on the premise that people can create institutions that can improve their lives and that government has a creative and innovative role to play in improving the overall economic framework and the economic environment.

It comes from a tradition in the 1930s when the R.B. Bennetts, the Howard Fergusons and the others were saying: "There is nothing that can be done. There is a world recession. We do not know what this great Depression is. We cannot do anything." This was the Herbert Hoover view that said there were no solutions.

The social democratic tradition in this country, in the United States and in Europe said: "Governments can act, can move and can make a difference. Governments can create demand, can create fair taxes, can get involved and can help." It is a tradition that says government is not an enemy, government is a friend. Govern-



ment is only an enemy when it is cold and refuses to act, refuses to do anything and refuses to be innovative and creative.

We stand in direct contradistinction to those people. I suppose they would be described as the new Conservatives, although they are preaching the gospel of the old selfishness and the private enrichment arguments we have heard so often on our side, which we identify so well with the Tory mind at work and at play. We contrast ourselves with that view in saying there are things governments can do and should do.

When I look at the empty rhetoric that came from the Treasurer and think of the contrast between that and the people I have been seeing in my riding office every week since I was elected in the west end, as I was elected previously in the east end of this great city, it is a contrast I think deserves to be spoken of in this assembly.

I can remember just a short while ago a fellow came into my office who was well into his 50s.

**Mr. Nixon:** Oh, that is old?

**Hon. Mr. Davis:** I am well into my fifties.

**Mr. Nixon:** You will find out, Robert Rae.

**Hon. Mr. Davis:** Look at Brother Renwick. Now, be careful.

**Mr. Rae:** I appreciate this is a subject of some sensitivity for some members.

**Hon. Mr. Davis:** He gets free rides on the TTC and all.

**Mr. Renwick:** And a \$50 rebate for the sales tax.

**Mr. Rae:** I can appreciate this is a matter of some fun for members, but it is not when I talk to people who are faced with having been unemployed for over a year and who have a record of employment that goes from company to company, having worked for smaller firms and in basically unskilled jobs for 30 or 40 years, as this man had. He is faced with no pension plan because he did not work for any one employer long enough to get vesting and the one employer he worked for for over 10 years had no pension plan.

When this government talks about reforming the private pension system, it is worth pointing out that one out of every two workers in this province is not covered by a private pension plan today. Let us remember that fact when the government says it is going to be reforming private pension plans. Let us remember the millions of workers in the province who are not covered by those plans and are not going to be

protected by any kind of so-called reform the government might want to carry out.

I do not mind saying it is very hard to listen with any degree of sympathy, and I found it difficult to listen yesterday, having read what the Treasurer was going to say, to the kind of benign bromides that came from his mouth about the job situation in the province. It is not just a question of young people, though the fact that there are so many young people out of work is offensive to everything all of us believe in in terms of the importance of the work ethic and the value our party places on being able to get a job and being able to keep a job, being able to bring home a paycheque and pay for those things that are so important to families.

It is also a question of older workers who have had years of seniority in a firm and who are just cast aside. In the words of the Minister of Labour (Mr. Ramsay), there are so many workers who are too young to retire and too old to retrain. This government has no plan for that group of workers. It has said nothing about that group. Our party has put forward proposals for younger people. We have put forward proposals for older people.

We have made proposals for some tax changes this winter. We have made some proposals for action on housing. We have made some proposals on action for public works and municipal capital projects. We have made proposals for supplementary benefits to unemployment insurance exhaustees. We have made proposals for income security, in which older workers over 55 would be guaranteed a company pension and in which we would create a layoff fund that would be financed by a payroll levy.

We think these proposals are practical. We think they can be paid for. We think they can be done. We put them forward for a simple reason. Our party believes, as it has historically, that we as legislators do not have to lie down in the face of this recession. It should be possible for us to create jobs and to take action on the problems we face in the community, in the nursing home sector, in the environment, in the cleanup of our Great Lakes, in the provision of clean air and clean water, in the provision of decent social services for our younger people and our older people in need of help.

Out of that need should come jobs as well. Out of that need should come a response from government. The government should not simply give out statements that say it cannot do anything because of the deficit or because of the tax situation, statements that say, "We cannot



do anything, we cannot do anything, we cannot do anything."

I suppose all of us today are operating somewhat under the shadow of the by-election that took place yesterday. I do not think there is any question about it and there is no point in pretending there is not. If one considers what public opinion is supposed to be, according to the polls at the present time, the Conservative government of this province could be said to have convinced the people that it is the only alternative in an immediate political sense. But I want to respond to that.

Sometimes one is faced with polls that say the margin is 50 per cent or 48 per cent and then there is a result like the one that occurred yesterday. One says to himself, "If the people think this is good enough, why should we feel obliged to continue to present what we think are real alternatives?"

The answer is that we all go back to our constituencies. I go back to mine and talk to the people who come into my office and say to myself: "Is what the government is planning to do really going to do anything for these people?" Are we really saying there are no more houses that can be built in Ontario to accommodate those people? Can we not build any more in Ottawa, for example, where people are still sleeping out on the street or sleeping in churches?

What am I going to say to the woman who is 55 years old, who has worked in offices all her life and who suddenly finds herself unable to get a job because her typing skills are not quite what they should be? Maybe she cannot compete with all the younger women who are coming on who have computer skills and data processing skills. Am I going to say to her, "I am sorry, the government is doing all it can and there is nothing more to be done for you. You will have to wait until you are 65 before you get any kind of public support"? Is that really the position we should be taking with these people who come in to see us for help?

Then there is the young black guy who comes into my office and says he has not been able to get a job for a year and he has a strong feeling of outrage because he knows he is qualified. He knows it is because he is confronted with a world which is often antagonistic to him simply because of the colour of his skin. Am I supposed to sit back and say, "The government does not have any programs for you. I am sorry, but it is doing all it can"? Is that the message we are supposed to be giving those people?

What are we supposed to say to the 900

workers at Canada Packers who are going to be out on the street in January? What is the answer the government of Ontario is giving to those workers today? Does it say, "Do not bother us; we have the support of more than 50 per cent of the people in the Gallup poll?" I do not think that will work; I do not think that washes.

**3:30 p.m.**

What washes and what works is the sense that all of us as politicians must have: that we can, we should and we must be doing more. Every time we see a worker out of a job, whatever age he or she may happen to be, we should be saying to ourselves, "What can I do to make sure the economy works for that person?"

I do not see unemployment clearly attacked as the number one priority in this autumn prebudget statement. There is no sense of focus on the fact that there are hundreds of thousands of Ontarians who are out of a job and that this is a disgrace in 1983-84. There was no sense of that in the document that was presented by the Minister of Industry and Trade as Treasurer seven or eight months ago.

I simply want to say to the Premier (Mr. Davis), whom I am delighted to see here—it is so rarely that we get a chance to have these exchanges in the Legislature these days—that it is because of those people that my colleagues and I are here arguing that the picture is not, from where we stand, from where we sit and as to how we see it, as rosy as the government of this province would present it.

While profits may have recovered in the banks, which may be having a year that is unequalled in their history, making nearly \$2 billion worth of profits, there are still literally thousands and thousands of people in this province who do not have a decent home in which to live; there are literally tens of thousands of people who do not have a job; there are a great many people in this province who are not being paid adequately for the work they perform, who are working part-time or who are having to work nights, who are having to have many members of their family work at the same time because they are not being paid sufficiently for the work they do.

The message I want to leave with this House on behalf of our party as we head into this break period and as we head into 1984 is that there has not yet been a recovery for people in this province. When a minister of the crown presents a view—and I presented only one industry—of the steel industry which implies somehow that recovery is taking place and that recovery

has reached the workers of this province, that kind of statement is misleading. It does not reflect the human reality of communities that are dependent on industry for their growth and recovery; that there is always more and better not only that government can do, but that employers and all of us can do in seeing that jobs are created, that needs are met and that hardship is ended.

The question I think is going to be number one on the minds of the people in 1984 is recovery for whom? The word "fairness" and the question of poverty did not appear once in this document. Every single major analysis or understanding of what is happening in this province tells us that the great recession that has taken place for the last two years has had a major impact on that old question of why so many people are poor in our society; yet that problem was not addressed once in this document.

The Treasurer somehow sees the economy out there as a money-making machine; he never sees it as something that responds to human need and to human value. I suggest the question to be considered is the question of recovery for whom, the question of fairness, the question of the redistribution of opportunity, the fact that there are pockets of wealth in our society that continue to go completely untapped, that there are literally tens of thousands of taxpayers in Ontario who are not taxpayers, not because they are poor, not because they fall below taxable income, but because they have lawyers and accountants who have protected their incomes and guaranteed that even though they might make more than \$100,000 or \$200,000 a year, they do not pay a cent in tax.

**Mr. Kerrio:** Oh, there aren't many like that.

**Mr. Rae:** The Liberal member for Niagara Falls says there are not many people like that. I want members to know that thanks to the Liberal Party in Ottawa and its control over the income tax system, in co-operation with the government of this province, there are literally hundreds of people like that. If the member does not believe it, he can have a look at the figures that are published by the Department of National Revenue in Ottawa and he will see exactly that many of the people who have earned the golden loophole award in Ottawa live in Ontario, and the government of Ontario is doing absolutely nothing about creating a fair tax system in this province.

**Hon. Mr. Davis:** Name names. I do not know any.

**Mr. Rae:** The Premier says, "Name names." He has colleagues who are experts in naming names when names should be kept confidential. That is something we will leave to members on that side of the House. They do nothing about it when it is done. They do not even express any views on the subject.

It is not simply that the question of poverty is not addressed. There is another question that has not been addressed by this document and has not been addressed by the government in what has happened. That is what I want to close on, the question of pensions.

I find it astonishing, not simply that nothing has been done in terms of housing construction, which could have made such a difference; that tax reform has been put on the back-burner in this province, and that public works and municipal capital projects have not started which could have started, because government is not prepared to be generous and creative enough in making those investments; but that in the one area where the Tory party is supposed to have a conscience, in terms of dealing with the problems of older people who have retired, this government has done absolutely nothing about pension reform.

It is nothing short of a disgrace that a year after the Provincial Secretary for Social Development, as she then was, the member for Scarborough East (Mrs. Birch), now the parliamentary assistant to the Premier himself, rose in this House and said she was in favour of one minor reform to ensure that older women who were living alone would receive a higher percentage of the share that goes currently to couples, which would cost the government about \$100 million; that over a year after the seniors secretariat said it was in favour of it; that well over two years after the select committee on pensions said it was in favour of it; and over three years after the Royal Commission on the Status of Pensions in Ontario said it was in favour of it, the Treasurer said yesterday the government is still reviewing the question of the poverty level that literally tens of thousands of older women are living under, thanks to the fact this government has chosen not to move.

There are literally millions of workers who are not covered by any private plan whatsoever. There are literally tens of thousands of workers who are forced out of their jobs when they are over 55 and have no income support, no income protection whatsoever until they reach 65. Many of the people who have to rely for their living solely on old age security, guaranteed income



supplement and the guaranteed annual income system are living well below the poverty line. This is a subject that is nothing short of a disgrace in Ontario.

It is very much connected to what is happening to younger people today as well. When we see the situation today in which, despite the fact we have been in a major recession for the last two years, there has not been one reform of any of the major social safety nets that are supposed to provide some kind of protection to people who are living in difficulty, not a single reform—not one—in terms of the basic social security framework in this country and in this province, then that situation creates an incredible competition for jobs between younger and older people.

**3:40 p.m.**

I will close by giving the example of the Canada Packers situation. Because of conversations I have had, I happen to know there are a lot of workers who are over 55 who have been working in that meat-packing plant for a long time who would be glad of a chance to retire at age 55 or 60. The hard fact of the matter is that this government, at a time when layoff after layoff has gone like a juggernaut through southern and northern Ontario, has not lifted a finger to see that any single employer in this province is required to sit down and bargain and make a better deal with respect to early retirement for workers over the age of 55.

Yet they do absolutely nothing. In the time of the greatest recession since the 1930s, they are not prepared to lift a single finger, and the Treasurer has the nerve to say that there are structural changes taking place that are going to demand some infrastructural adjustments. I think those are the word he uses.

I would like the Treasurer to come down to Canada Packers and talk to the young guys who are coming off at 25 and 30, who have three kids and a mortgage at \$40,000, \$50,000, \$60,000 or \$70,000 and who do not have a job as of January 15 and say, "You know, fellas, we understand where you are coming from because we know there are structural adjustments that need some infrastructural changes." They will tell him where to put his infrastructural changes and that is where they deserve to be put.

It is time these words were said. This is a government that has not been prepared to move. This is a government that is so trapped in its own indolence that it is incapable of understanding the human misery and the human difficulties that people are facing because of the

structural changes that have happened. Of course there are structural changes. What there is not is a humane, positive and active response to those changes, a sense of leadership, a sense of anticipation, a sense of caring, a sense of being there on the line when those changes are happening to men and women who are tossed around by this recession the way they have been tossed around.

As long as this government presents budgets, papers and pre budget statements that do nothing to deal with the problems I see in my office every week—that is the test I use and I suspect it is the test all of us use—as long as we have people coming in who are complaining about basic injustices in workers' compensation, who have no place to live, who have no job, who are facing discrimination in the work place, who are facing hardship at home and difficult circumstances because of governments that say, "We have done all we can," then we are going to be proud to come back into this place in March and fight this government tooth and nail until it sees the fact that there are things that can be done.

There is a job to be done. All we are looking for at the present time is a government that is willing to do that job.

**Mr. Peterson:** Mr. Speaker, I am happy to rise on behalf of my party for the windup of the budget debate. I have been here for some time now, not nearly as long as the Premier (Mr. Davis), although when history is written it will probably show much longer, but we will leave that debate for another day.

I have seen a whole variety of budget windup debates by a whole variety of people—leaders, nonleaders, senior critics and others—and in history we have respected the right of each leader to bring forward the remarks he wants to make. Obviously, the debate technically revolves around the budget motion, the amendment and the subamendment, but we have historically allowed a great deal of latitude.

May I say at the beginning, because it is our amendment which we will obviously support and I do not think it needs repetition here at the moment that we will not be supporting the New Democratic Party subamendment—

**Mr. Martel:** Oh, I'm shocked.

**Mr. Peterson:** I will read part of it for your consideration, Mr. Speaker. It begins, "Continuing the government's slavish adherence to the economic directions established by the Liberal government, policies which have resulted in the unemployment of hundreds of thousands of



Ontarians . . ." I could address that in a partisan way, but I choose not to.

**Mr. Foulds:** We cannot turn this chamber into anything political.

**Mr. Peterson:** The NDP has put that in obviously in an attempt to embarrass, and I am frankly not embarrassed about it. But I think in a way it epitomizes the kind of debate this House sometimes gets into. I understand partisanship; I happen to be a fierce partisan, and I say that unapologetically. On the other hand, sometimes it seems to me that the commitment and purpose that we all bring to this House are lost in that trivialized partisanship, which sends the biggest noises forth from this House rather than the things we are all trying to accomplish together.

I suspect if we really cut down all of the 125 individuals from all their parties, granted their philosophical and value differences, probably there would be far more things that unite them than divide them. Each in his own way is trying to serve the people of his own constituency and his own province.

I think sometimes we lose sight of the essential reasons we are all here. If one asked every member of this House who made the original decision one, two, five, 10 or 20 years ago, "What was it that made you run for politics?" or "What was it that prompted you to come forward for your party and run for a nomination?" I suspect one would hear a number of common responses regardless of party.

I think it is important, in particular as we wind up the session and enter into the holiday season, that perhaps it is a time to remember that we are all, from many points of view, trying to attack these problems in the same way.

It is going to be left to some of the pundits and the analysts to look at the accomplishments of this session over the last year. I do not intend to make a major review because very frankly, and I am not trying to be partisan in this way, I do not believe we have made a lot of progress in tackling the fundamental issues.

One can see the juxtaposition of some of the well-publicized debates that come forward here, whether we are picking a new tree, bird, insect or a national chocolate bar, and all the attention and merriment that creates and we all participate in that. I understand that. Then one sees some of the major issues that have gone neglected for so long. When have we ever had a major debate in this House, for example, on educational policies?

Aside from some perhaps partisan or

hypercharged remarks in estimates, we do not really come to grips with those kinds of issues. What about the higher education area, the post-secondary area in which the minister announced yesterday she was going to create a committee? I do not want to be too critical because we probably need it, given the deterioration that has occurred. That being said, we are asking two people, Dr. Mustard and Dr. Watts and a third yet to be named, to try to solve problems that we as a Legislature should have been dealing with for the past 10 years. What we are speaking to is the crisis that has developed.

I recognize that governments everywhere tend to respond to the immediate, to the pressing problem, to the great events of the day and who knows what they will be tomorrow; members do not know and I do not know. Part of the way we are judged as politicians is how we respond to those externally imposed events. I understand that but it does not excuse our collective lack of attention to the fundamental long-term and planning issues that are so important in Ontario.

It is a matter of record that provincial politics in Ontario gets as little attention as any other legislature in this country. I have seen studies saying, for example, that the amount of television and lines in newspapers in other jurisdictions and provinces surpass ours in great measure. I do not know the reason for that; I am not even complaining about that. I am just explaining I think it is a fact that a lot of people in Ontario do not make the same connection with their provincial government as they do in other parts of this great country.

It may be because we do not have a strong sense of regionalism in this province. Almost every other area does have a strong sense of regionalism. One hears people refer to themselves as Maritimers, Québécois, westerners or British Columbians and they tend to identify on a regional basis. We do not. Has anyone ever heard anyone say "I am an Ontarian"? We say here, "I am a Canadian."

**3:50 p.m.**

I am a Canadian and I am not disputing that, but it tends to take the focus away from the real role of the provincial government and the provincial politicians in Ontario. I am proud of our historic role as the lynchpin of Confederation and we should continue on in that regard, but at the same time none of us should be deceived into thinking we do not effect policies that touch everyone's lives in many ways more than even the federal Parliament does.

When I look at my own little family and the things that interest and concern them, such as the working conditions that my wife sometimes works in, the education of my kids, the future they will have, the medical bills my parents, who are getting a little older, have gone through in the last year, those are all things we control. We control the policies that will affect their lives and by logical extension the next generation.

I do not think we as legislators should downplay the role we have. We should march forward and say, "Here we are in a province that is bigger and richer than most countries in the world, with a bigger budget than most countries in the world." Suprising as it seems, we have one of the highest gross domestic products of any jurisdiction in the world. We should march forward saying, "We have the levers and the weapons." Collectively, we should be out launching an active attack on those fundamental things we can control. If we as legislators adopt the view that we too can play by the politics of anaesthesia, that people do not really expect us to do very much, then I believe it sets our collective sights lower than they should be.

Granted, we are going to have partisan differences about how to accomplish various aims, but let us at least start with the premise that we have a great deal of power here, a great deal of resources and a great deal of responsibility. I think sometimes in the past we have tended to take the easy way out, saying, "It is a federal problem," or, "It is a municipal problem, or, "I cannot make up my mind so I will make it a matter of local option." Sometimes I think we collectively denigrate the great power and great responsibility we have.

I wanted to make that point as I started off my remarks this afternoon. I am not going to do an analysis of last year's budget or indeed the budget statement of yesterday. It was my party and I that put forward to this House a comprehensive program of reforms to the budgetary process. It was in the wake of federal budgets which in my view were not all that constructive in advancing the economy of Ontario or Canada, and the provincial budgets were coming forward under a cloud of secrecy.

In response to that the Treasurer (Mr. Grossman) has come forward with a statement which in my view does not really share the budgetary process with the people of this province. I do not want to be too critical, but let me just say what should have been there.

We recognize we face a myriad of difficult decisions ahead. That is not a responsibility

from which I shrink, but one cannot make those decisions without all the facts. I think we have to go beyond being self-serving. I say to the government it would then make better decisions. Indeed, if it makes bad decisions it is going to get less political heat if it is prepared to share those decisions.

I do not think a one-day committee hearing on a budgetary statement is participating in the budgetary process. I believe participation in the budgetary process would be giving us the facts, giving us the econometric models, giving us the tax options and the impact they would have on the economy, and having a thoughtful discussion.

I believe everybody in this province recognizes there is no easy way to accomplish anything. I think we all recognize the simple or simplistic solution is gone. But we all recognize too that the process of involving more people not only in the making of the decision but in the implementing of that decision is good for the democratic process and better for every person in this province.

I think we have failed in that regard, in the specific program. I recognize my responsibilities not just to attack and say nasty things about the government, but to put forward my alternatives. Our alternative was a revised budgetary process that would have allowed for that and would have allowed a legislative committee to have an in-depth, profound view of the various options so as to be of assistance to the minister. Obviously, the minister would make the final choices and would be responsible for them.

We had a tiny movement in that regard. In my view it was not satisfactory and did not go nearly far enough, but at least perhaps it is a start. In reality there was very little, if any, new information given yesterday that was meaningful to anyone in developing a budget process. I recognize the difficulties the Treasurer is facing at present using his current projection of revenue and expenditures. Given no changes in public policy or fiscal options, the deficit will increase and he is worried about the credit rating of the province. That has always been a sacrosanct principle in Ontario.

I worry about those things too because we do know a drop in rating would cost us 25 or 50 more basis points, which translates into more tax revenue or more expenditure on tax translated into higher expenses at some time in our future. As I said earlier, everyone recognizes there are no easy choices. I believe everybody recognizes burdens are going to have to be carried and burdens are going to have to be shared among



all people in this province. The philosophical or partisan debate goes on the question of who should be carrying those burdens and where we should be spreading the discomforts of trying to bring our economy back into whack.

**The Acting Speaker (Mr. Cousens):** May I ask the honourable members to stop the buzzing of their conversation. The Leader of the Opposition has the floor.

**Mr. Peterson:** I think we will have a lot of division over that subject, but I believe every generation has to accept the costs of its own comforts. I do not believe we can go on in perpetuity asking our children to pay for our consumption any more than I believe we have the right to expect our children to clean up our environmental mess.

I start from a fundamental point of morality in the business, saying each society has to solve its own problems. We have no right to go on increasingly burdening our children with either our overconsumption—I mean as a society; I am not singling out individuals—or our excesses of the current time. That is the context I start from. Like other thoughtful members, I am concerned about the impact of short-term budgetary policies on our long-term capacity to compete.

The reality is that there is no way to cheat. We can borrow any amount of money today, I recognize that, but we also recognize we will pay a price for that later, either in higher revenues, in inflation or in inability to compete. There is no way, history tells us, to escape those realities. That is something every political party has to come to grips with within the context of its own philosophy. Some of them deal with it, some do not.

Our party in the last year has tried to put forward in a constructive way the things we believe in for the consideration of this government. I am proud of the contribution we have made in conjunction with my colleagues who have been very active and very aggressive in putting forward those options as well as in calling the government to account.

We have been very concerned in the environmental area with acid rain, with the entire drift of Ontario Hydro, with the lack of accountability. Lest you think, Mr. Speaker, we are talking through our hat, everything we said was vindicated by the Provincial Auditor. This is not just a specious academic argument. I do believe one of the great challenges that confronts the Premier, as I look at him across the aisle, is to

select a chairman of Hydro who is going to get a real handle on that.

I think he has been unfair in only having interim chairmen, even though I have great respect for the current chairman. It is too big a job not to have a permanent chairman. Anyone who is trying to get a hold on Hydro is going to take some time, and he cannot be expected to go through the insecurity of three-month or six-month interim appointments. The Premier knows our view of how that process should take place. We believe in a confirmation style hearing. That being said, we would ask him to please make an early choice of someone who is competent to get on with the job.

**4 p.m.**

I am not going to go into a speech that others may want to about lack of drift or direction in the government. That is not my intention today. My intention is to put forward, so that it is clearly understood, what we would be doing in the circumstances. A variety of other devices have been suggested: the resurrection of the select committee, legislative approval on borrowing—this may be the chairman of Ontario Hydro just walking in now.

These are specific ways which we believe would bring more accountability by Ontario Hydro back to the Legislature where it ultimately belongs and where it has to be. We have not had any counterweights on that system. We have not had any resisting pressure since the dissolution of the select committee. I think if one reads its report it would show that it did very good work in increasing the quality of debate about Ontario Hydro, its future and its options.

We stand behind that and we will continue to take that point of view to the people of Ontario as part of our policy.

In the environmental area, we are a strong environmental party and proud to be so. We have had many discussions about acid rain. We have talked about scrubbing the coal because it looks as if there is going to be an increasing draw on those coal-fired plants as the nuclear plants are down. The coal-fired plants are not obsolete, as the government would perhaps think they are. As the second largest point-source emitters of sulphur dioxide, we are going to have to clean up those coal-fired plants of Ontario Hydro.

There is a price and we are prepared to pay that price. We believe it is responsible to do so. We believe consumers of this province would agree to paying it if the message was taken to them properly. They have the choice of either



paying now or paying later. The price of not cleaning up is probably greater than the price of doing so. We have not only a moral responsibility but also an economic responsibility to show leadership in this area. We have talked about this before, but I want it known very clearly where we stand and where we will continue to stand on this issue.

There have been a whole variety of other environmental issues, but I know members are anxious to get back to their constituencies and their homes and my House leader has asked me not to go on very long today. However I want to speak briefly about some of our thoughts in the health and social policy areas.

As members know, my esteemed colleague the member for Hamilton Centre (Ms. Copps) travelled about this province heading a task force on health care in this province. She specifically pointed out a number of recommendations with respect to the declining quality of health care in this province. We think this was constructive. The task force put forward to the people a document which could be discussed. We put forward our alternatives in that area.

Figures have come out recently in Toronto regarding the shortage of chronic care beds. Something like 13 per cent of the beds are misplaced at this moment, i.e., we have chronic care patients in active care beds. We need a rationalization of the system, an approach from the continuum of needs. We have to look at home care programs following into a variety of institutional care. This is an area that is clearly going to require fresh new thought, an area we are prepared to address from our point of view.

I will not go on in great detail about some of the deficiencies in the system; for example, the lack of psychiatric care in Timmins and the crisis that was created there by a lack of chronic care beds. However, we have to have an approach that will look to the next decade and the next generation.

It is now trite to talk about the ageing population and the increasing number of seniors; it is now conventional wisdom. However, this was conventional wisdom to some 10 years ago; at least it should have been conventional wisdom to thoughtful policy planners and to government officials, but it was not. We are facing tremendous pressure on the system today because of, shall I say, benign neglect. It was not conscious, just a mentality that said, "Gee, I hope my problem will go away before I have to address it."

I see in this area, as in so many others, that

pressure is starting to back up. I see so many eruptions here, there and the other place. Without a fresh view of some of these problems, we are going to see the problems increasingly compounded. The longer we leave them the more difficult they are to deal with.

In the health and social policy areas we have put forward our alternatives and the government knows where we stand. One of the great debates in the next little while is going to be the whole opting-out issue. Should doctors opt out all the way or should they not? The government obviously is finding itself increasingly isolated in this debate. With Mr. Mulroney and the federal Tories this week, as well as the Tory government of Nova Scotia now moving to ban extra billing, I am sure the government policymakers and the ministers with their sensitivity and their great polling apparatus are going to see this debate is going to polarize this country.

I would hope this government would reassess its position in view of these realities, in view of the clear will of a vast number of people in Ontario. I can tell the minister that his party is on the wrong side and we will, as best we can, make it easy for it to move forward in this particular regard. I commend that policy to the Premier and I know he will reassess it in that regard.

We have talked in our party, with great knowledge and sincerity, about the problems in the agricultural area today. I could not be more proud of the very thoughtful and competent spokesmen we have in that regard. But we know, because we are sensitive to the needs of Ontario as we travel throughout this province, that the agricultural sector is in a crisis situation. We run the risk not only of seeing more economic collapse but also a change of face in rural Ontario. We are seeing more and more family farmers incapable of carrying on, more and more moves to family farmers becoming tenants on their own farms owned by the banks, moves towards the agrifarms and the big operations; a complete change in the sociology and the values of rural Ontario.

It is not a change we welcome. It is a change we believe has to be counteracted with specific proposals. We have put forward to the government an eight-point agricultural policy that would have involved changes in the Ontario farm adjustment assistance program, young farmers' assistance, emergency financial assistance in the red meat area and a variety of other proposals that we believe would have gone a

long way towards stemming the crisis in that area now.

I know of 15 pork producers who probably will not be in business two months from now unless something happens. The crisis is that imminent. There is not a farmer in Ontario who is more wealthy today than he or she was three years ago, and there has been a tremendous loss in equity. We have seen commodity prices stay low, putting strains on the system that are almost intolerable to a great number of farmers—not just isolated groups but a great number of farmers. I commend to the government our proposals in that area. I am sure it does not want to see any more deterioration in that regard than do we.

Another area in which our party has shown a lead, and I am very proud of my colleagues, is in the area of women's initiatives and women's issues, so-called. The government responded with a new minister this year. He came in with great promise, but it is going to be some time before the jury comes back on what real contribution he has made. Let me restate that we put forward an active attack on the spread of videotape pornography; we put forward our position for the consideration of the government and had some debate on it. The government knows where we stand on that issue and we will continue to fight.

The government is aware of the resolution and initiatives of my colleague the member for Hamilton Centre on the matter of equal pay for work of equal value. We have seen some watered-down versions sneaking in during the last little bit. It is a commitment of our party and we will continue to fight in that regard. One small step perhaps is better than nothing, but it clearly is not satisfactory.

**4:10 p.m.**

Unlike Mr. Mulroney in Ottawa, who does not see his responsibility as identifying where he stands on the issues—and the Premier may want to speak to him about that—I believe our responsibility as the alternative government is to tell the government clearly where we stand on every issue. One can argue that we are wrong, but at least one knows where we stand on the whole variety of issues. We have put forward alternatives and many amendments to improve the lot of working women in this province and we will continue to do that.

One of my great interests has been in the area of pension reform, where I believe we have been so far behind the eight ball. We have studied this question to death with the Haley commission,

select committees and a variety of other commissions. Now we have the federal committee coming down, and it is coming close to a time for action from this government.

We went through a great, long educational process on this issue with the former Treasurer. Just as he was about to really understand what he had in his hands he was moved to the Ministry of Industry and Trade and now we have a new Treasurer. We need plans for flexibility of pensions in this province, we need changes in indexation and we need changes in portability, and a whole variety of changes to the legislation here in Ontario that are fair, humane, affordable and that have been agreed upon many times. The only roadblock at this point is government leadership. It is an issue I have been very close to over the years, and I will continue to be close to it and will watch it with great interest. It has been brought up before.

With regard to the plight of the single elderly, there is not a commission at any level that has not recommended moving on their plight immediately to bring them up to at least 60 per cent of the married rate level. It is accepted as conventional wisdom as the very least we should be providing in this area. I recommend to the government that it move immediately; I can tell it that we would.

Just to finish talking about the unemployment area, which I am sure has to be the biggest concern of every member in this House, I know that in my duties as the member for London Centre I sit in my office on Friday nights or Saturday mornings and I have trails of young people come in and say, "Please help me. Where can I find a job?"

Last week a good-looking, well-dressed young man came in and showed me a binder with 200 letters of rejection; all terribly organized, listing those who had rejected him. He had been trained at a community college as a land assessor and appraiser. There are just no opportunities for this young man.

We put forward for members' consideration a program that would have provided a work experience for this young man. When I asked him, "Would you be prepared to work for the minimum wage?" he said, "I would work for below the minimum wage just so I could develop work experience so I could prove what I have, so I could stop having to say to employers, 'No, sir, I do not have any experience.'"

That is the great hangup; and yet we have an opportunity to provide that experience here in Ontario. We need action desperately in this



area. If there is one message I can leave the Premier and the Treasurer from my brief remarks today, it is that we have not used our great resources in this province to attack this problem in the way we should. I would ask the Premier to make this a priority for himself and the executive council going into the next year. Time is of the essence. The next budget is not good enough. It is going to be a very difficult winter for many people; and not just in economic terms, because we know about that; I want to impress upon the Premier also the damage to morale, the damage in human terms.

I do not know how one will ever quantify what has happened in the last year or two. We can quantify it somewhat economically, but when we look at the creation of a generation without hope, when we look at the disillusionment, when we look at the lack of morale, when we look at my talk with that young man with 200 rejection slips—and I could not even get him a job in the liquor store; the only thing I could do was to try to keep up his morale up and tell him not to give up, because he was close to the point of giving up. There is no one in this room who could go through that experience without feeling a little disheartened.

It is not that he is not a good boy; it is only that there are no opportunities. I am trying to impress upon the government that we have a responsibility and we should be moving immediately in that regard.

We have also put forward to the government a program in the rental housing stimulation area that would go some way towards meeting the crisis in affordable rental housing in this province, as well as creating employment in the construction area where unemployment is so high at this moment. The government has those specific plans. We would be prepared, as a government, to spend money in these areas to accomplish those dual, noble purposes.

They are aware of the crisis in vacancy rates in so many of the major centres across this province. Unless we attack it, it is just going to get worse. We are going to see more pressures on rents. The problem will compound itself day by day, as it has been doing for some time. We have a choice. We can sit here and pretend it is going away or will go away, or we can launch an active attack on that problem. We need a government here with the energy and commitment to solve some of those problems. They can be solved in an affordable, sensible way with a real dividend to all the people of this province.

A lot of this session has been dominated by

the capacity of the government to regulate, be it the trust companies, travel companies, grain companies, real estate companies or a variety of others. We cannot neglect that area of regulation. Bad government and bad regulation lead to more government. That is exactly what we have had in these circumstances.

In all of these cases, and I do not mean to be critical, the signals were there. Somehow we have to make sure there is a division between the regulators and those who are regulated. We have to remember that the purpose of regulation is to protect consumers, depositors and the people of this province. It is not to protect the people who are regulated. We have lost focus in so many areas of what the real responsibility of government is in this regard. Presumably, now that there have been so many assaults on the regulatory capacity of this government, we will see some active and major changes in that regard.

We have had many discussions about accountability, waste in government, advertising, Minaki lodges and all that kind of thing. We will continue to have them because when the Treasurer stands in his place and virtually says, "We are going to have to charge more in taxes this year, be it sales taxes, personal income tax or property taxes," I do not believe we have the right to go to the taxpayers of this province and ask for one more nickel until they are persuaded we are stewarding and spending the money we already take from them reasonably well. That impression is not on the streets today.

Let the Treasurer put himself in the position of an ordinary taxpayer of this province or of this country who reads daily about waste and mismanagement from the federal Auditor General or the Provincial Auditor. There is favouritism, patronage, \$100,000-a-year jobs, advertising contracts to friends and speechwriting contracts to friends. It never stops at both levels. But this government is not superior in any regard in that question.

Let the Treasurer ask himself what the average taxpayer of this country thinks. They see politicians as feathering their own nests with their own faces in the trough. They see money being spent poorly. What does it do? It damages faith in democratic institutions. It damages faith in the things we are fighting for here and the process we are fighting through. There is no doubt it drives the black economy, which is becoming an increasing percentage of the economy of Ontario and Canada.

4:20 p.m.



I am not trying to paint too dismal a picture and I do not believe, in many ways, we have any right to be holier than thou. But I say to the House again, at the end of my remarks, we have a collective responsibility, individually, in all parties, to try to build that faith in the system we believe in, for all of its inadequacies, which still serves the people of this province best.

As I draw to the end of my remarks—my House leader is starting to tug on my sleeve to try to get rid of me—

**Hon. Mr. Eaton:** A little higher, Bob.

**Mr. Nixon:** We have a lot of time left.

**Mr. Peterson:** As we are winding up today, I hope my remarks were constructive in pointing out very clearly where we in the Ontario Liberal Party stand and the programs we will be taking to the government and to the people of this province. I recognize a number of others are concerned about the same things and approach them from different points of view.

Let me take this opportunity, as my final speech of this session, to wish all members of the House a very happy holiday season. It is going to be good for all of us to go back to our constituencies, to our families, to get in touch with reality once again, to remember the spirit of sharing, to remember the great message of peace on earth, goodwill to all men. We will come back with renewed vigour and a renewed sense of purpose in the new year.

To the leader of the New Democratic Party, to his family, and through him to all his colleagues; to the Premier, to his family, and through him to all his colleagues and their families, I wish a very happy holiday season and a very happy new year.

**Hon. Mr. Davis:** Mr. Speaker, in rising to conclude the traditional debate on the budget of the Treasurer of this province, may I at the outset express my appreciation to you for the excellent leadership you have given to the conduct of the affairs of this House. I know that view is shared by every member of this House in their more lucid moments.

The member for Sudbury East (Mr. Martel), in one of his confidential chats with me, such as we have on so many occasions, casually remarked that you are the greatest Speaker this House has ever had. Is that not roughly what the member said?

**Mr. Nixon:** He had a lot of nice things to say about you too.

**Hon. Mr. Davis:** I will do my very best to limit my remarks. I know both the opposition leaders

felt they were going to be 20 minutes. I did not time them, but if I am 21 or 22 minutes, I apologize in advance. I will try to expedite the process.

**Mr. Martel:** That is not the agreement.

**Hon. Mr. Davis:** I understand what the agreement was. I also understand what has been said. I have to reflect on one or two matters. I regret that the member for Port Arthur (Mr. Foulds) is not here, because I was reading the communiqué. I was not participating in all activities yesterday when he introduced a couple of bills. One, he said, was serious. The other was, he said, an unabashedly frivolous bill entitled the Insect Emblem Act. Did he really introduce that?

**Mr. R. F. Johnston:** Yes.

**Hon. Mr. Davis:** Because if we still had an opportunity to introduce a bill today it would be the Endangered Species Act, New Democratic Party, 1983.

**Mr. Breaugh:** Go to Oshawa and say that. Come on down.

**Hon. Mr. Davis:** I am not saying that. I want to assure members I would not have introduced that bill. But I think the member for Port Arthur might have introduced that bill today.

**Mr. Breaugh:** You introduce it in Oshawa. There is another endangered species in Oshawa. It is called Tories.

**Hon. Mr. Davis:** I listened very attentively to the observations of the leaders of both the opposition parties. I say to the member for York South (Mr. Rae) that I sensed a very impassioned plea in terms of the philosophy of his party and what he felt was necessary and I do not quarrel with that. I do not agree with many of the things he stated and I will come back to that at some future occasion in 10 or 15 minutes.

I listened with great interest to the leader of the Liberal Party. I appreciated his expressions of goodwill as we enter the Christmas season. As I listened to the early part and the end of his remarks I sensed something of a transformation that was not there in his outlook two weeks ago, four days ago, or in this past session. Perhaps this can be interpreted as being extremely encouraging. Maybe he is even going to vote for the motion in front of us at present in that same spirit of compromise or conciliation. I would be delighted to welcome him in support of that very excellent budget.

I confess to the Leader of the Opposition (Mr. Peterson) that I have some difficulty in adjust-

ing to some of his observations today in the light of things he has said earlier. I am not going to be provocative here except to say that I was hurt. I am not going to get into all the accounts in the Kitchener-Waterloo Record but it was the concluding paragraph that upset me a great deal.

"Although he criticized Davis throughout the day, Peterson also admitted he has some admiration for the Premier's political abilities. 'He's a shrewd operator. I kind of even like the guy . . . but not very much.'"

I thought he had some greater feeling of affection after all the advice I have attempted to give, after I have consistently tried to help him in his years in this Legislature and since his assumption of the important responsibility of Leader of the Opposition. I have tried to assist in every possible way; then to be told he does not like me very much, Mr. Speaker, you do not know how badly I felt.

I showed it to Kathleen and she said to me: "How can David feel that way about you? You have been so kind, so gentle, so encouraging to him in his political career." I said to myself, "Gosh, I'll just keep on trying."

In that spirit of attempting to assist the Leader of the Opposition, I make two or three rather simple observations. We on this side of the House are not insensitive people. I listened to the criticisms, some of them justified, some not always totally justified. I have listened to the introduction of personalities. The former member for Sudbury reminded me that this House was never a tea party, never intended to be a tea party. The House leader for the party heard that great speech. It was a great speech.

It is not a tea party, but I like to think it is civil and that we do respect one another; but when I am reminded by the deputy leader of the Liberal Party of Ontario that we take the word of an honourable member, whether he is recently from cabinet, in cabinet or whatever; when I am asked, in terms of the Leader of the Opposition with respect to that report in the paper, I did not dispute it when he got up and said he had not said those things, I accept it.

I would only urge that he also accept the word of the Premier of this province, the ministers and members when it does not necessarily suit his political advantage. That has to be part of this process. One cannot play by two sets of rules. One cannot say, we are to respect the process and the words of individuals, if some two weeks later in some other part of the province or in the course of some speech in Belleville one says to the public, "I was born

under a corrupt Tory government and I have lived under a corrupt Tory government all my life." I am prepared to accept some political licence; I may not always have been kind in my observations but there is a certain margin, a certain sense of decency that must be maintained.

4:30 p.m.

I listened to the member for Renfrew North (Mr. Conway) in relation to a certain subject that has given me great concern in this House. I know observations he has made on other occasions. I know some of the references he made with respect to a distinguished member of the cabinet of this province, the Minister of Consumer and Commercial Relations (Mr. Elgie), some of the things that were said to him and about him in terms of his difficult responsibilities.

I perhaps sensed today an awareness by the Leader of the Opposition that this sort of thing is not necessary in terms of this House or the political process. I can quote chapter and verse. I believe in terms of my colleagues in cabinet that we may not always be right in the decisions we make, but please do not question the motivation.

I listened to the rather interesting remarks of the Leader of the Opposition about accountability, patronage and appointments to positions with a lot of money. I do not know what he is talking about in terms of the activities of this government. I have never denied that on occasions when appointments have been made we have considered people who have been Progressive Conservatives. The reality is that in election after election a large percentage of the population of this province acknowledges that it is in a secret ballot.

I make no apologies in terms of the integrity of this government, the accountability and the things we have done in the interest of the public of this province. We may have made mistakes, but our motivation has been 100 per cent. The intent has been to serve the people of this province. We may disagree on policies; that is fair and proper.

I was intrigued by the observation of the Leader of the Opposition that part of his responsibility is to define clearly where his party stands. I accept that. But he must admit that on some days I stand here as leader of the government totally confused as to where he stands on some issues from one week to the next, or one month to the other.

I confess I was having a bit of fun this morning, but there are two or three things I want to say before I conclude my remarks. I do



not often get upset, but I was. The member for Renfrew North sent a letter to a very great Canadian, a gentleman who was at our fund-raising dinner out of respect for the position of the Premier of this province. If the member checks carefully he will find my observations were pretty nonpartisan. That gentleman deserved better than what he received from some members of the Liberal caucus.

Then I saw and had reported to me that some of the same members were at another dinner where that same very distinguished Canadian appeared at the head table, once again out of respect for the Prime Minister in the process of government in this country. The same sense of outrage and concern was not demonstrated in that instance.

**Mr. Nixon:** The member for Renfrew North was perfectly consistent.

**Hon. Mr. Davis:** I am not talking about him. I am not talking about—

**Mr. Speaker:** Order.

**Hon. Mr. Davis:** I know what he did and I know what he felt.

I am suggesting to the leader of the Liberal Party that I think it would be great, in the spirit of Christmas, if some sort of communication was delivered to that very distinguished gentleman. It disturbed me as a person. I say that to the leader of the Liberal Party with some sense of conscience. There is a certain sense of decency and consistency in all this.

I want to move to another piece of unfinished business. It is a matter that has given me deep concern as the leader of our party and as Premier. I have listened to the observations made with respect to certain situations. I listened to the leader of the New Democratic Party say, "Mr. Premier, you have to say who is right and who is wrong." I want to say this in the presence of the member for Lanark (Mr. Wiseman). I want the member for Renfrew North to understand a bit of the history. He has asked me to accept his word as an honourable member and I ask him to accept mine. I know he is smiling and looking in the other direction.

One of the most difficult tasks for any first minister in any government is to determine those men and women he asks to be associated with him in the executive council. What is even more difficult is on those occasions to relieve those ministers or ask ministers to leave the executive council.

I know the member for Renfrew North was endeavouring to create the impression that a

relationship existed between my request to the member for Lanark and other incidents that have been reported and debated before public accounts and in the media in this province. He can accept it or not, but as an honourable member, which I consider myself to be, I want to tell the member for Renfrew North that there was no relationship in my request to the member for Lanark. I have always regarded the member for Lanark as a man of integrity, decency and honesty; that has never been questioned.

But I also want to add that it has been my experience as a human being that there can always be differences of point of view with respect to people's recollection of incidents. It is very simple for the member opposite, because maybe he has never had that responsibility. I know he has been pressing me and some of the other members, including the member for Lanark, although I really sensed the other day that he had a certain sense of charity about him.

Before he asks, I will tell him that I accepted the resignation of the deputy minister who has been involved in some of these discussions, which was given without any qualification whatsoever. I know I disturbed the member for York South (Mr. Rae) because I said he was in fact a good public servant and that I would find him a place in the government service. That offended him and I can never understand that from a person who has, he says, such a sensitivity for human beings and individuals.

**Mr. Rae:** I never said a word about that.

**Hon. Mr. Davis:** You did indeed. I might also say, so that this matter will be brought to a conclusion, that the former Deputy Minister of Government Services, Mr. Alan Gordon, has communicated to me the fact that he will be entering the private sector and will not be remaining within the government. I just wanted to establish that and put it on the record.

I want to move to some of the areas of policy, because I am not going to refer to some of the things—

**Mr. Rae:** I never said a word about that.

**Hon. Mr. Davis:** If you say you didn't, I accept it.

**Mr. Rae:** On a point of order, Mr. Speaker: I would not do this were it not for the fact that certain remarks and views were ascribed to me that I have never, to my recollection, expressed. I have never ever expressed any views with respect to the future of Mr. Gordon. I have never expressed myself on that subject and I do



not think it is appropriate for the Premier to ascribe remarks to me that I have never made, to the best of my recollection. If he can point out where I did make them, I would appreciate his bringing them to my attention; but I do not believe I have ever said anything on that subject at all.

**Hon. Mr. Davis:** Mr. Speaker, I hope the honourable member is correct. My memory is sometimes quite erroneous, but I sensed it in some of the questions he posed during the beginning part of my estimates. If I am wrong I will be one of the most delighted people. I accept the member's point of view.

I want to move to matters of policy. I listened to the leader of the New Democratic Party being rather vigorous in his attack on the presentation by the Treasurer (Mr. Grossman) yesterday. I have been here in this House for a number of years. I have listened to members of the New Democratic Party express points of view where they think they are the only ones who have, shall we say, a social conscience.

I go to my constituency office. I have been going to mine for a lot more years than the member opposite has been going to his. I have probably seen more people. I have probably seen as many who are unemployed and disadvantaged as the member has seen in his brief career here at Queen's Park, and when he stands up and indicates to me that the New Democrats are the only ones who have that social conscience and are concerned about the unemployed and the disabled, that they have a monopoly on all of these feelings, he is wrong. This government is as sensitive and as concerned as he will ever be.

**4:40 p.m.**

What is so symbolic of what bothers those people is that while I know the member for Scarborough West (Mr. R. F. Johnston) has a genuine feeling about nuclear war and disarmament—and I do not debate that—however, with respect to the intent or perhaps the feeling that he is the only one in this House who has a concern, I have to tell him he does not have a monopoly on interests of this nature.

When I look at this country, when I look at this province, when I look at the programs that have been introduced, when I see what we have done, when I see the progress we have made in this province for the disadvantaged, for the handicapped, for the elderly, when I see how we have developed our health care system and our educational system, when I see what we have

done in the political lifetime of the member for Riverdale (Mr. Renwick), I have to say to the member for York South (Mr. Rae) that this government, this party, is as sensitive as his has ever been. What is more important, we have done something positive and constructive to come to grips with these important social issues.

We have differences. He thinks he could increase taxation. He thinks he could solve the problem by government intervention, which would kill the economy. That is not the approach we take. We genuinely believe that, by stimulation within the private sector, the creation of long-term jobs is the relevant way to approach the difficulty.

He zeroed in on the steel industry. I know a little bit about the steel industry myself. In any analysis of the steel industry in the world and in parliament today, the conclusions are obvious. There are problems, but in terms of the relative health of the Ontario industry compared to that of the United States or other places, we are still doing better than most other jurisdictions in North America. I do not pretend there are not difficulties. I do not pretend for a moment we do not have challenges, but I ask the member, please, not to come in here and tell me only his party has that point of view or that degree of social commitment.

I listened to the Leader of the Opposition (Mr. Peterson) and I was encouraged by some of his observations, but I really question some others. He pressed about Hydro. I have a letter he sent to many of the utilities. Has he read the replies? I am not going to read them into the record. The replies say they think Hydro is doing quite well; they think the accountability process is quite good.

I do not quarrel for a moment with the need for the members of this House to be involved in discussions about Ontario Hydro. It is very relevant, but I ask the member, please, not to create the impression Ontario Hydro is anything but an extremely well-managed utility. I challenge him to show me a public utility of that nature in North America that is as efficient, with a rates structure that is as reasonable, and that has a record in terms of borrowing capacity as Ontario Hydro. The reality is there is not one. He knows that and I know that.

I listened to his recitation about the youth sector and the fact that we have a lost generation, I think he said. I do not happen to share that point of view. The young people in this generation are certainly faced with difficulties, but this government has taken certain initiatives

and it will continue to take them. I hope the member is not so pessimistic or so negative as to say it is a lost generation. Some of them are doing well. They have been well educated and they are going to have an opportunity to participate. I have to tell the leader of the Liberal Party I am far more optimistic about their future than he seems to be.

I listened to some of his reactions to the Treasurer's paper. The Treasurer said very simply that he wants to consult. The member said he is going to take the opportunity, and I assume his party will be replying to the Treasurer's proposal and he will have something constructive to offer. I hope that is the case because he has started the process in a somewhat different fashion. I believe it might help us not only in terms of public discussions, but also in giving an opportunity for the business community and others to participate in the budget process. Certain alternatives have been laid out, and I hope the Leader of the Opposition seizes the opportunities to move in and make a contribution, if that is his instinct.

I will not dwell on a number of the other matters raised because time is getting short. I will finalize my brief observations to the members of this House. I do not believe we have neglected some of the important issues. The member talked about post-secondary education. We have had opportunities and Bill 42 has been debated for several hours.

If the Leader of the Opposition wishes more time on some of these subjects, I have kept track of the introductory questions that have been raised day after day, the priorities that he himself has established, and if he wants to alter those, if he wants to have a debate on post-secondary education in this House, the minister and I would be delighted to debate it with him. At least the minister would, and I would love to listen. He should please not say we have not treated some of these issues in a thoughtful and deliberate way because we have.

I do not say the process is perfection. However, I have been here a lot of years and I happen to have a great deal of faith in the legislative process in spite of its frustrations. Of course, I happen to believe this is about the best system one can devise. I know there is always a tendency to look to the United States. I guess if I were in opposition I would see a certain appeal to their ideas on committee structure and greater decision-making and agreements on appointments. However, that is the republican and presidential system of government; it is not

our system. We have to assume responsibility for the things we do.

In finalizing my remarks, I have to say it has been tough; it has not been an easy year for the former Treasurer, the present Treasurer or for government. It has been difficult for all Ontarians. I happen to believe we have seen the worst of it. I happen to believe we are beginning to find our way out of the recession, that confidence is being restored and that the vitality and enthusiasm of the private sector are emerging. I believe one can be cautiously optimistic about the economic outlook for this province in 1984. It is going to require direction, it is going to require policy and it is going to require perhaps new initiatives.

I want to conclude the session in 1983 on a very positive note, on a note of enthusiasm. I would not talk so much about what government has done or, as the members opposite will say, has not done. But I really have a great measure of confidence in the people of this province. I have been impressed in the past couple of years at how Ontarians have reacted and how responsible they have been. I am impressed by the confidence that is re-emerging, the enthusiasm that is there because, in essence, that is where it is at.

I must confess this morning I had a bit of fun. The opposition has tried to make our life difficult for the past couple of months, so I thought I was entitled to 15 or 20 minutes of reminding us all where it is at. Sure, it is not just that our party won. I guess it was the expression by that important group of people, that showed where it is at because they are representative, they are rural and they have had difficult periods. But they sort of said last evening to the government, to our candidate and maybe even directly to the Premier, they may not agree with everything we have done but they too are optimistic about this province.

I think they were saying they support the leadership the government is giving and, as a result, I think there was some measure of confidence expressed last evening in eastern Ontario. It was not just another by-election; it was an opportunity for the people to express a point of view.

It was consistent with my own view that in spite of whatever shortcomings we may have either as Premier or as a government, the Treasurer's budget deserves support. The policies of this government deserve support. I say this in the spirit of the Christmas season, when I extend to every single member of this House my



best wishes. I convey those from my wife Kathleen, my five children, three children-in-law and our new granddaughter Christine, who is not yet quite able to articulate these messages on her own behalf. However, as her grandmother was, she is far advanced for her three years. We do wish to all of you a very Merry Christmas.

In that spirit, I know the Leader of the Opposition (Mr. Peterson) and the member for York South (Mr. Rae) will join us in this great Christmas feeling in supporting the great budget of the great Treasurer of this government in the province of Ontario.

4:50 p.m.

**Mr. R. F. Johnston:** Mr. Speaker, on a point of privilege: I have no idea why the Premier felt it necessary to set up straw men, but in the process of the debate on the resolution I brought forward on nuclear disarmament, I never suggested that members on the other side were not interested in the issue. When we had our exchange the other day, I did not do that with the members either. I do not know why the member feels it necessary to do so. If there was any resolution which was brought up, any means of trying to have discussion among all members before and during that hour, I think it was that resolution. I resent the implication.

**Mr. Speaker:** Order. As the member well knows, that is not a point of privilege.

On Tuesday, May 10, 1983, Mr. F. S. Miller moved, seconded by Mr. Davis, that this House approves in general the budgetary policy of the government.

On Thursday, May 12, 1983, Mr. T. P. Reid moved, seconded by Mr. Nixon, that the motion that this House approves in general the budgetary policy of this government be amended by deleting the words following "that" and adding thereto the following:

"This House deeply regrets the 1983 budget fails to recognize the most serious and fundamental problems facing the province of Ontario today and condemns the government for:

"Ignoring the continuing plight of the more than half-million unemployed Ontarians, neglecting in particular the desperate prospects faced by hundreds of thousands of idle Ontario youth, by refusing to introduce any serious long-term job creation programs nor any significant job training proposals;

"Ignoring the serious structural economic deficiencies plaguing Ontario's industrial infrastructure, neglecting in particular the need for a

sound and thoughtful vision of Ontario's economic future for the rest of the 1980s and beyond, relying instead on short-term and short-sighted Band-Aid measures;

"Introducing yet another series of inequitable and unfair tax increases, and at the same time increasing the provincial deficit, thus punishing the citizens of Ontario for such wasteful government excesses as the Suncor purchase, the land banks, Minaki Lodge, government advertising, government polling and the practices of Ontario Hydro, among others;

"Ignoring or reducing the provincial commitment to such important sectors of our economy as agriculture, tourism and the auto sector;

"Threatening our social services with the prospect of cutbacks while a plethora of government excesses continues to be funded;

"Ignoring or reducing the provincial commitment to northern Ontario and environmental protection in this province;

"Ignoring the crucial issue of productivity across all sectors of our economy;

"Producing a budget which is unfocused, without direction, contradictory in its proposals and offering little hope for the thousands of Ontarian citizens suffering during the current recession;

"Therefore, this government lacks the confidence of this House."

On Thursday, May 12, 1983, Mr. Cooke moved, seconded by Mr. Rae, that the amendment of Mr. T. P. Reid be amended by adding after the word "recession" and before the words, "Therefore, this government lacks the confidence of this House," the following:

"Continuing the government's slavish adherence to the economic directions established by the Liberal government, policies which have resulted in the unemployment of hundreds of thousands of Ontarians;

"Ignoring the overwhelming evidence of the budget's own figures that the private sector in general and private sector investment in particular are not leading us to economic recovery, yet cutting back on vital public investment in environmental protection, housing, health, social services, agriculture and the north;

"Failing to introduce a major program to assist the construction of co-operative and non-profit housing to create jobs and meet pressing needs for shelter;

"Failing to respond to the unacceptable levels of unemployment among young people and women with concrete proposals to create per-



manent jobs and comprehensive skills training programs;

"Failing to respond to the needs of older workers laid off or threatened by technological change by the establishment of a workers' training fund, improved layoff and severance pay legislation and pension reform;

"Increasing once again regressive OHIP premiums instead of shifting this unfair tax burden to an equitable tax source;

"Failing to reform the funding of health care in Ontario by banning extra billing and user fees;

"Abdicating completely its responsibility for the economic wellbeing of Ontario's people through its failure to introduce any long-term investment proposals to plan for our future."

**4:56 p.m.**

The House divided on Mr. Cooke's amendment to the amendment to the motion, which was negated on the following vote:

#### **Ayes**

Allen, Breaugh, Bryden, Charlton, Cooke, Di Santo, Grande, Johnston, R. F., Laughren, Lupusella, Mackenzie, Martel, McClellan, Philip, Rae, Renwick, Swart, Wildman.

#### **Nays**

Andrewes, Ashe, Baetz, Barlow, Bennett, Bernier, Birch, Bradley, Brandt, Breithaupt, Conway, Copps, Cousens, Cunningham, Cureatz, Davis, Dean, Drea, Eakins, Eaton, Edighoffer, Elgie, Elston, Epp, Eves, Fish, Gillies, Gordon, Gregory, Grossman, Harris, Havrot, Henderson, Hennessy, Hodgson;

Johnson, J. M., Jones, Kells, Kennedy, Kerr, Kerrio, Kolyn, Lane, Leluk, MacQuarrie, Mancini, McGuigan, McLean, McMurtry, McNeil, Miller, F. S., Miller, G. I., Mitchell, Newman, Nixon, Norton, O'Neil, Peterson, Piché, Pollock, Pope, Ramsay, Reed, J. A., Reid, T. P., Robinson, Runciman, Ruprecht, Ruston;

Scrivener, Sheppard, Shymko, Snow, Spensieri, Stephenson, B. M., Sterling, Stevenson, K. R., Sweeney, Taylor, G. W., Taylor, J. A., Timbrell, Treleaven, Van Horne, Walker, Watson, Welch, Wells, Williams, Wiseman, Wrye, Yakabuski.

Ayes 18; nays 90.

**5 p.m.**

The House divided on Mr. T. P. Reid's amendment to the motion, which was negated on the following vote:

#### **Ayes**

Allen, Bradley, Breaugh, Breithaupt, Bryden, Charlton, Conway, Cooke, Copps, Cunn-

ham, Di Santo, Eakins, Edighoffer, Elston, Epp, Grande, Johnston, R. F., Kerrio, Laughren, Lupusella, Mackenzie, Mancini, Martel, McClellan, McGuigan, Miller, G. I., Newman, Nixon, O'Neil;

Peterson, Philip, Rae, Reed, J. A., Reid, T. P., Renwick, Ruprecht, Ruston, Spensieri, Swart, Sweeney, Van Horne, Wildman, Wrye.

#### **Nays**

Andrewes, Ashe, Baetz, Barlow, Bennett, Bernier, Birch, Brandt, Cousens, Cureatz, Davis, Dean, Drea, Eaton, Elgie, Eves, Fish, Gillies, Gordon, Gregory, Grossman, Harris, Havrot, Henderson, Hennessy, Hodgson, Johnson, J. M., Jones, Kells, Kennedy, Kerr, Kolyn, Lane, Leluk;

MacQuarrie, McLean, McMurtry, McNeil, Miller, F. S., Mitchell, Norton, Piché, Pollock, Pope, Ramsay, Robinson, Runciman, Scrivener, Sheppard, Shymko, Snow, Stephenson, B. M., Sterling, Stevenson, K. R., Taylor, G. W., Taylor, J. A., Timbrell, Treleaven, Walker, Watson, Welch, Wells, Williams, Wiseman, Yakabuski.

Ayes 43; nays 65.

The House divided on Hon. F. S. Miller's main motion, which was agreed to on the following vote:

#### **Ayes**

Andrewes, Ashe, Baetz, Barlow, Bennett, Bernier, Birch, Brandt, Cousens, Cureatz, Davis, Dean, Drea, Eaton, Elgie, Eves, Fish, Gillies, Gordon, Gregory, Grossman, Harris, Havrot, Henderson, Hennessy, Hodgson, Johnson, J. M., Jones, Kells, Kennedy, Kerr, Kolyn, Lane, Leluk;

MacQuarrie, McLean, McMurtry, McNeil, Miller, F. S., Mitchell, Norton, Piché, Pollock, Pope, Ramsay, Robinson, Runciman, Scrivener, Sheppard, Shymko, Snow, Stephenson, B. M., Sterling, Stevenson, K. R., Taylor, G. W., Taylor, J. A., Timbrell, Treleaven, Walker, Watson, Welch, Wells, Williams, Wiseman, Yakabuski.

#### **Nays**

Allen, Bradley, Breaugh, Breithaupt, Bryden, Charlton, Conway, Cooke, Copps, Cunningham, Di Santo, Eakins, Edighoffer, Elston, Epp, Foulds, Grande, Johnston, R. F., Kerrio, Laughren, Lupusella, Mackenzie, Mancini, Martel;

McClellan, McGuigan, Miller, G. I., Newman, Nixon, O'Neil, Peterson, Philip, Rae, Reed, J. A., Reid, T. P., Renwick, Ruprecht, Ruston,

Spensieri, Swart, Sweeney, Van Horne, Wildman, Wrye.

Ayes 65; nays 44.

5:10 p.m.

### SUPPLY ACT

The following bill was given first, second and third readings on motion by Hon. Mr. Grossman:

Bill 161, An Act for granting to Her Majesty certain sums of money for the public service for the fiscal year ending March 31, 1984.

**Hon. Mr. Wells:** Mr. Speaker, I wonder if I might have the concurrence of the House to move a motion.

**Mr. Speaker:** Do we have concurrence of the House to revert to motions?

Agreed to.

### MOTION

#### EMPLOYMENT STANDARDS AMENDMENT ACT

Hon. Mr. Wells moved that, notwithstanding the prorogation of the House, upon the commencement of the the fourth session of this parliament, Bill 141, An Act to amend the Employment Standards Act, shall be deemed to have been introduced and read the first time, deemed to have been read the second time and referred to the standing committee on resources development.

Motion agreed to.

#### ANSWERS TO QUESTIONS IN ORDERS AND NOTICES AND RESPONSE TO PETITION

**Hon. Mr. Wells:** Mr. Speaker, I also table the answers to questions 15, 16, 17, 189, 320, 354, 360, 361, 362, 364, 366 and 367 to 395, and the response to the petition presented to the House, sessional paper 213 standing on the notice paper.

I might indicate that with the tabling of these answers we have answered 387 of the 395 questions asked, or 98 per cent.

The Honourable the Lieutenant Governor of Ontario entered the chamber of the Legislative Assembly and took his seat upon the throne.

### ROYAL ASSENT

**Hon. Mr. Aird:** Pray be seated.

**Mr. Speaker:** May it please your Honour, the Legislative Assembly of the province has, at its present sittings thereof, passed certain bills to which, in the name of and on behalf of the said

Legislative Assembly, I respectfully request Your Honour's assent.

**Assistant Clerk:** The following are the titles of the bills to which Your Honour's assent is prayed:

Bill 111, An Act to Provide for the Review of Prices and Compensation in the Public Sector and for an orderly Transition to the Resumption of Full Collective Bargaining;

Bill 117, An Act to amend the Telephone Act;

Bill 119, An Act to amend certain Acts respecting Regional Municipalities;

Bill 120, An Act to repeal certain Private Acts related to Municipalities;

Bill 132, An Act to amend the Powers of Attorney Act;

Bill 133, An Act to amend the Mental Health Act;

Bill 134, An Act to amend the Immunization of School Pupils Act, 1983;

Bill 135, An Act to amend the Construction Lien Act, 1983;

Bill 136, An Act to amend the Benefits of Provincial Judges and Masters;

Bill 139, An Act to amend the Public Commercial Vehicles Act;

Bill 140, An Act to amend certain Statutes relating to the Commission of Offences by Young Persons;

Bill 144, An Act to amend the Retail Sales Tax Act;

Bill 145, An Act to amend the Planning Act, 1983;

Bill 147, An Act to amend the Building Code Act;

Bill 148, An Act to revise the Teachers' Superannuation Act;

Bill 149, An Act to amend the Provincial Courts Act;

Bill 150, An Act to amend the Unified Family Court Act;

Bill 151, An Act to amend the Provincial Offences Act;

Bill 152, An Act to amend the Proceedings Against the Crown Act;

Bill Pr13, An Act to incorporate Heritage Windsor;

Bill Pr30, An Act to revive the Malton Memorial Recreation Association;

Bill Pr43, An Act respecting Ottawa Civic Hospital;

Bill Pr48, An Act respecting the City of Sault Ste. Marie;

Bill Pr50, An Act respecting the Town of Harrow;

Bill Pr51, An Act respecting the City of North York;

Bill Pr 52, An Act to revive Teco Mines and Oils, Ltd.

Bill Pr53, An Act respecting the City of Owen Sound;

Bill Pr54, An Act respecting the Hungarian Canadian Cultural Centre (Hungarian House).

Bill Pr56, An Act respecting the Alex Manoogian Cultural Centre.

**Clerk of the House:** In Her Majesty's name, the Honourable the Lieutenant Governor doth assent to these bills.

**5:20 p.m.**

**Mr. Speaker:** May it please Your Honour, we, Her Majesty's most dutiful and faithful subjects of the Legislative Assembly of the province of Ontario in session assembled, approach Your Honour with sentiments of unfeigned devotion and loyalty to Her Majesty's person and government, and humbly beg to present for Your Honour's acceptance, a bill entitled An Act granting to Her Majesty certain sums of money for the Public Service for the fiscal year ending March 31, 1984.

**Clerk of the House:** The Honourable the Lieutenant Governor doth thank Her Majesty's dutiful and loyal subjects, accept their benevolence and assent to this bill in Her Majesty's name.

The Honourable the Lieutenant Governor was pleased to deliver the following gracious speech.

#### PROROGATION SPEECH

**Hon. Mr. Aird:** Mr. Speaker and members of the Legislative Assembly: The priorities of this government during this third session of the 32nd Parliament of Ontario have been the restoration of economic prosperity and the enhancement of the services available to our citizens.

The 1983 budget introduced a number of job creation, job training and capital works programs with particular attention being directed towards the provision of employment opportunities for the young men and women of Ontario. A number of tax measures were also implemented to increase the investor confidence and consumer spending required to sustain the return to economic wellbeing.

Such measures include the extension of the small business tax holiday from provincial corporate income tax, expanded exemptions from retail sales tax to encourage investment in production facilities and the 90-day tax exemption for the purchase of household items. Through these measures, our economy has strengthened considerably as exemplified by the fact that there are now 196,000 more Ontarians employed than there were in November 1982.

Demonstrating its long-standing commitment to fiscal responsibility, the government continued its public sector wage and price restraint policies for an additional year. These efforts, together with the self-discipline that has been practised since 1975, have enabled the government to weather recent uncertainties without sacrificing the social services Ontarians have striven to establish and maintain.

Indeed, a number of additional services and measures which reflect my government's continued emphasis on social justice were introduced during the session now ending. Such initiatives include the appointment of a Minister responsible for Women's Issues, the establishment of the Ontario women's directorate, the appointment of a provincial co-ordinator of family violence initiatives, the nomination of a respected human rights advocate to the position of Ombudsman, an increase in the minimum wage and improvements to Ontario's income support programs.

Honourable members, I commend your sense of duty and the progress you have achieved. In closing, may I take this opportunity to wish you a safe and pleasant holiday season.

Au nom de notre souveraine, je vous remercie. In our sovereign's name, I thank you.

Je déclare cette session prorogée. I now declare the session prorogued.

**Hon. Mr. Wells:** Mr. Speaker and honourable members of the Legislative Assembly, it is the will and pleasure of the Honourable the Lieutenant Governor that this Legislative Assembly be prorogued and this Legislative Assembly is accordingly prorogued.

The Honourable the Lieutenant Governor was pleased to retire from the chamber.

The House prorogued at 5:24 p.m.



## APPENDIX A

ANSWERS TO QUESTIONS IN  
ORDERS AND NOTICES

## TRUST COMPANIES

**15. Mr. Peterson:** Would the Minister of Consumer and Commercial Relations indicate the amount of the fees charged by the Touche, Ross firm in connection with its management of Seaway Trust for the period January 7 to March 31, 1983? [Tabled April 20, 1983]

**Hon. Mr. Elgie:** The fees charged by Touche, Ross Ltd. to manage and operate Seaway Trust Co. for the period January 7 to March 31, 1983, totalled \$1,214,268.

**16. Mr. Peterson:** Would the Minister of Consumer and Commercial Relations indicate the amount of the fees charged by the Touche, Ross firm in connection with its management of Greymac Trust for the period January 7 to March 31, 1983? [Tabled April 20, 1983]

**Hon. Mr. Elgie:** The fees charged by Touche, Ross Ltd. to manage and operate Greymac Trust Co. for the period January 7 to March 31, 1983, totalled \$1,622,186.

**17. Mr. Peterson:** Would the Minister indicate the amount of the fees charged by the Woods, Gordon firm in connection with its management of Crown Trust for the period January 7 to February 7, 1983? [Tabled April 20, 1983]

**Hon. Mr. Elgie:** The fees charged by Woods, Gordon to manage and operate Crown Trust Co. for the period January 7 to February 7, 1983, totalled \$1,707,058.

## INDIAN FISHING RIGHTS

**189. Mr. T. P. Reid:** Will the Minister of Natural Resources table all of the documents and background material relating to the recently signed Indian fishing agreement? Will the minister table the results of court cases in regard to Indian fishing rights? Could the minister explain how this draft agreement affects the strategic land use plans in Ontario? Why was this agreement signed prior to the federal-provincial conference on aboriginal rights this spring of 1983? Will the minister table Ontario's position of aboriginal rights, including a definition of same? [Tabled April 22, 1983]

**Hon. Mr. Pope:** Since the situation has changed, the question is no longer relevant.

## EXPERIENCE PROGRAM

**320. Mr. Boudria:** How much money was spent in each municipality in Prescott-Russell in 1983 under the Experience program? [Tabled October 17, 1983]

**Hon. Mr. McCaffrey:** Available data indicates that 105 persons were employed in Prescott-Russell under the 1983 summer Experience program. It is estimated that the related program expenditure totals \$147,500.

PRODUCTION MACHINERY  
TAX EXEMPTION

**354. Mr. Foulds:** Would the minister estimate the loss of revenue for the fiscal year 1983-84 caused by the broadening of the tax exemption for machinery and equipment purchased by manufacturers and producers in order to parallel the exemption for production machinery and equipment under the Excise Tax Act (Canada)? Would the minister indicate the amount, kind and source of machinery that was purchased this year by manufacturers and producers as a direct or indirect result of the tax exemptions? Would the minister estimate the number of jobs created in (a) Ontario, and (b) Canada because of this tax exemption? [Tabled November 4, 1983]

**Hon. Mr. Grossman:** The sales tax revenue loss resulting from the paralleling of the exemption for production machinery and equipment under the Federal Excise Tax Act is estimated at \$80 million for the fiscal year 1983-84.

Types of machinery and equipment that now qualify under the broadened exemption include material handling equipment, testing and inspecting equipment, packaging equipment, control equipment and devices used to control production machinery and/or the production process, and repair and maintenance tools and parts. The exemption also extends to high-technology production machinery and equipment used in computer-assisted manufacturing including: the computer control of machine tools, lathes, boring machines etc.; automated material handling equipment such as computer-operated conveyors and robotic units, and automated testing equipment and automated packaging equipment.

The exemption will stimulate investment in machinery and equipment which, in turn, will

serve to increase output and employment. To attempt to assess its impact at this early stage would be premature since mid- and long-term planning, three- to five-year investment planning horizons, characterize capital investment decisions in the manufacturing industry. As such, this exemption will not generate the same immediate effects as an exemption for household appliances, for example. However, in terms of this impact, it is relevant to note that:

Manufacturing and primary industries, excluding agriculture, in Ontario directly employ approximately 925,000 people. This represents roughly one quarter of total employment in the Ontario economy.

The manufacturing sector in Ontario accounts for 35 per cent of the total capital expenditures on machinery and equipment.

A 1978 University of Toronto study on the impact of the then Ontario production machinery and equipment exemption, which was made permanent in January of 1977, concluded that this exemption has a significant impact on job creation: over the five-year period from 1978 to 1982 the institute established that over 70,000 man-years of employment would be generated in Canada. The institute also concluded the exemption has a considerable impact on both new investment and the level of output.

ENVIRONMENTAL ASSESSMENT BOARD

**360. Mr. Nixon:** What are the costs of the Environmental Hearing Board to be provided with offices and staff salaries? What is the total cost of the board since its inception? How many hearings, and of what length, have been conducted? [Tabled November 18, 1983]

**Hon. Mr. Brandt:** It is assumed that the member's inquiry pertains to the Environmental Assessment Board rather than the Environmental Hearing Board, which was dissolved in 1975.

The Environmental Assessment Act of 1975 established the Environmental Assessment Board.

The cost of the board since its inception is as follows:

	(\$000's)		
	Salaries	Other DOE	Total
Actual: 1976-83	2,345.7	2,389.0	4,734.5

Information pertaining to hearings is shown below:

	Number of hearings	Member days involved
1976-77	32	97
1977-78	24	139

1978-79	30	109
1979-80	39	160
1980-81	33	135
1981-82	27	380
1982-83	37	261
	222	1,281

IDEA CORP.

**361. Mr. Nixon:** What are the costs on a yearly basis for the IDEA Corp. to be provided with offices, salaries and consultants? What is the total cost of the corporation since startup? What funds have been dispersed by the corporation and to what recipients? [Tabled November 18, 1983]

**Hon. F. S. Miller:** The costs on a yearly basis for IDEA Corp. to be provided with offices, salaries and consultants are estimated as follows:

Salaries and benefits, \$1,610,000; consultants, \$330,000; operating costs (offices), \$1,440,000; total, \$3,380,000.

The total cost of the corporation since startup is estimated as follows:

Operating expenses (to October 31, 1983), \$2,421,178; fixed asset expenditures, \$981,021; total, \$3,402,199.

As of October 31, the following investments have been made by IDEA Corp.'s funds:

Project/Company	Full commitment	Advance to October 31
Queen's University—Cardio-natrin project	\$800,000	\$ 60,000
University of Western Ontario—Organogold	36,000	36,000
Ferritronics	200,000	200,000
RMS Industrial Controls Inc.	650,000	200,000

Also, in terms of the syndications of its funds, IDEA Corp. has made an initial investment of \$1 million in Ansam Synergistic Technologies Ltd., and has agreed to invest a further \$5 million, subject to Ansam raising \$8.4 million from other sources. To date, investments have been made through Ansam in Bailey and Rose Ltd., Emcon Sensor Technology Inc., and Perceptikon Systems Inc.

In summary, IDEA Corp. has committed a total of \$7.7 million to these technology projects and companies in Ontario. The corporation is also in the process of finalizing two further fund syndications which will involve commitments of

\$15 million from IDEA's microelectronics fund and \$7 million from its chemical and process technology fund.

### RENTAL HOUSING

**362. Mr. Di Santo:** Will the Minister of Housing explain the following:

1. What is the Metropolitan Toronto Housing Co. Ltd. policy for persons who work and who have an income lower than old age security, guaranteed income supplement and guaranteed annual income system?

2. What is the rationale of the policy, especially in relation to the working poor?

3. What are the exemptions provided? [Tabled November 18, 1983]

**Hon. Mr. Bennett:** 1. The policy of the Metropolitan Toronto Housing Co. Ltd. is to charge a minimum rent of \$152 for singles or \$287 for couples, which is based upon the rates applicable for recipients of OAS/GIS/Gains, currently set at \$570 per month for a single recipient and \$1,084 for a couple.

2. The rationale here is that these minimum rental rates, including a small surcharge, are approximately 25 per cent of the combined allowances, which is the basis for the rent-geared-to-income scales.

3. There are a number of exemptions provided, and in the particular case of a person who works and is receiving an income lower than the combined OAS/GIS/Gains, the general manager, Metropolitan Housing Co. Ltd. has the discretion to set a rent below the minimum, on an individual basis. Before this occurs, however, every other avenue of available income support would be investigated to ensure that the individual, or couple was obtaining the maximum benefits available.

Another example would be in the case of the spouse of a recipient of OAS/GIS/Gains, who was between 60 and 65 and thus receiving only the spouse's allowance. As the combined monthly incomes would fall below \$1,084, a downward adjustment would be made from the minimum rate for couples of \$287.

### INFLATION RESTRAINT LEGISLATION

**364. Ms. Bryden:** Will the Minister responsible for Women's Issues table any impact studies done on the effect of Bill 111 on women as was promised by Premier Davis on May 17, 1983, when he named Mr. Welch as the Minister responsible for Women's Issues and said, "In partnership with others, this minister will also

have the challenging task of analysing all proposals for their effect on women and recommending how these can best be implemented." (Hansard, May 17, 1983, page 800) [Tabled November 25, 1983]

**366. Ms. Bryden:** Will each minister table all analyses of the impact of Bill 111 on women submitted by the Treasurer or other cabinet ministers in accordance with the instruction issued by Cabinet Office last spring on the advice of the Minister responsible for Women's Issues calling for such analyses in all future cabinet submissions? (Hansard, May 24, 1983, page 980) [Tabled November 30, 1983]

**Hon. Mr. Welch:** Bill 111 contains flexibility with regard to the treatment of salaries in the bargaining unit. The full impact of Bill 111 on women cannot be assessed before the fact due to such contributing factors as the collective bargaining process, and the movement of staff through recruitment, promotion and attrition.

### RESPONSE TO PETITION

#### INFLATION RESTRAINT LEGISLATION

"To the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario:

"We, the undersigned nurses, beg leave to petition the parliament of Ontario as follows:

"Whereas we oppose the extension of the Inflation Restraint Act because it is inequitable in its application to the citizens of Ontario and restricts our basic free collective bargaining rights; and

"Whereas we believe that an extension of the act or measures which will have a similar effect would violate the spirit of the Canadian Charter of Rights and Freedoms;

"We petition the Ontario Legislature to restore our free collective bargaining rights forthwith."

**Hon. Mr. Grossman:** On November 8, our new restraint program was announced. In order to provide fairness and flexibility for both employers and employees in the public sector, full collective bargaining and normal dispute resolution mechanisms will resume when groups leave their control year under the Inflation Restraint Act. This reflects the government's view that real restraint will ultimately be achieved not through rigid controls but through the dedicated involvement of all those participating in the bargaining process.

However, in order to ensure the fight against inflation is continued, the province will provide for average compensation increases of up to five



per cent through the system of grants and transfer payments to public agencies and municipalities, as well as allocations for our own civil servants.

The Attorney General has advised that the new legislation, Bill 111, does not conflict with the Charter of Rights and Freedoms.

#### INTERIM ANSWERS

**367 to 395. Mr Cooke, Ms. Copps, Mr. Foulds, Mr. R. F. Johnston, Mr. Grande, Mr. Swart, Mr. Wildman, Mr. Philip:** Hon. Mr. McCague—It will not be possible to provide a response prior to the end of the current legislative session.

## APPENDIX B

## ALPHABETICAL LIST OF MEMBERS\*

(124 members)

Third Session of the 32nd Parliament

**Lieutenant Governor:** Hon. J. B. Aird, OC, QC**Speaker:** Hon. John M. Turner**Clerk of the House:** Roderick Lewis, QC

- Allen, R. (Hamilton West NDP)
- Andrewes, Hon. P. W.**, Minister of Energy (Lincoln PC)
- Ashe, Hon. G. L.**, Minister of Government Services (Durham West PC)
- Baetz, Hon. R. C.**, Minister of Tourism and Recreation (Ottawa West PC)
- Barlow, W. W. (Cambridge PC)
- Bennett, Hon. C. F.**, Minister of Municipal Affairs and Housing (Ottawa South PC)
- Bernier, Hon. L.**, Minister of Northern Affairs (Kenora PC)
- Birch, M., (Scarborough East PC)
- Boudria, D. (Prescott-Russell L)
- Bradley, J. J. (St. Catharines L)
- Brandt, Hon. A. S.**, Minister of the Environment (Sarnia PC)
- Breauth, M. J. (Oshawa NDP)
- Breithaupt, J. R. (Kitchener L)
- Bryden, M. H. (Beaches-Woodbine NDP)
- Cassidy, M. (Ottawa Centre NDP)
- Charlton, B. A. (Hamilton Mountain NDP)
- Conway, S. G. (Renfrew North L)
- Cooke, D. S. (Windsor-Riverside NDP)
- Copps, S. M. (Hamilton Centre L)
- Cousens, D., Deputy Chairman of Committees of the Whole House (York Centre PC)
- Cunningham, E. G. (Wentworth North L)
- Cureatz, S. L., (Durham East PC)
- Davis, Hon. W. G.**, Premier (Brampton PC)
- Dean, Hon. G. H.**, Minister without Portfolio (Wentworth PC)
- Di Santo, O. (Downsview NDP)
- Drea, Hon. F.**, Minister of Community and Social Services (Scarborough Centre PC)
- Eakins, J. F. (Victoria-Haliburton L)
- Eaton, Hon. R. G.**, Minister without Portfolio (Middlesex PC)
- Edighoffer, H. A. (Perth L)
- Elgie, Hon. R. G.**, Minister of Consumer and Commercial Relations (York East PC)
- Elston, M. J. (Huron-Bruce L)
- Epp, H. A. (Waterloo North L)
- Eves, E. L. (Parry Sound PC)
- Fish, Hon. S. A.**, Minister of Citizenship and Culture (St. George PC)
- Foulds, J. F. (Port Arthur NDP)
- Gillies, P. A. (Brantford PC)
- Gordon, J. K. (Sudbury PC)
- Grande, T. (Oakwood NDP)
- Gregory, Hon. M. E. C.**, Minister of Revenue (Mississauga East PC)
- Grossman, Hon. L. S.**, Treasurer of Ontario and Minister of Economics (St. Andrew-St. Patrick PC)
- Haggerty, R. (Erie L)
- Harris, M. D. (Nipissing PC)
- Havrot, E. M. (Timiskaming PC)
- Henderson, L. C., (Lambton PC)
- Hennessy, M. (Fort William PC)
- Hodgson, W. (York North PC)
- Johnson, J. M. (Wellington-Dufferin-Peel PC)
- Johnston, R. F. (Scarborough West NDP)
- Jones, T., Deputy Speaker and Chairman of the Committees of the Whole House (Mississauga North PC)
- Kells, M. C. (Humber PC)
- Kennedy, R. D. (Mississauga South PC)
- Kerr, G. A. (Burlington South PC)
- Kerrio, V. G. (Niagara Falls L)
- Kolyn, A. (Lakeshore PC)
- Lane, J. G. (Algoma-Manitoulin PC)
- Laughren, F. (Nickel Belt NDP)
- Leluk, Hon. N. G.**, Minister of Correctional Services (York West PC)
- Lupusella, A. (Dovercourt NDP)
- Mackenzie, R. W. (Hamilton East NDP)
- MacQuarrie, R. W. (Carleton East PC)
- Mancini, R. (Essex South L)
- Martel, E. W. (Sudbury East NDP)
- McCaffrey, Hon. R. B.**, Provincial Secretary for Social Development (Armourdale PC)
- McCague, Hon. G. R.**, Chairman, Management Board of Cabinet (Dufferin-Simcoe PC)
- McClellan, R. A. (Bellwoods NDP)
- McEwen, J. E. (Frontenac-Addington L)
- McGuigan, J. F. (Kent-Elgin L)
- McKessock, R. (Grey L)
- McLean, A. K. (Simcoe East PC)
- McMurtry, Hon. R. R.**, Attorney General (Eglinton PC)
- McNeil, R. K. (Elgin PC)

**Miller, Hon. F. S.**, Minister of Industry and Trade (Muskoka PC)

Miller, G. I. (Haldimand-Norfolk L)

Mitchell, R. C. (Carleton PC)

Newman, B. (Windsor-Walkerville L)

Nixon, R. F. (Brant-Oxford-Norfolk L)

**Norton, Hon. K. C.**, Minister of Health (Kingston and the Islands PC)

O'Neil, H. P. (Quinte L)

Peterson, D. R. (London Centre L)

Philip, E. T. (Etobicoke NDP)

Piché, R. L. (Cochrane North PC)

Pollock, J. (Hastings-Peterborough PC)

**Pope, Hon. A. W.**, Minister of Natural Resources (Cochrane South PC)

Rae, R. K. (York South)

**Ramsay, Hon. R. H.**, Minister of Labour (Sault Ste. Marie PC)

Reed, J. A. (Halton-Burlington L)

Reid, T. P. (Rainy River L-Lab.)

Renwick, J. A. (Riverdale NDP)

Riddell, J. K. (Huron-Middlesex L)

Robinson, A. M. (Scarborough-Ellesmere PC)

Rotenberg, D. (Wilson Heights PC)

Roy, A. J. (Ottawa East L)

Runciman, R. W. (Leeds PC)

Ruprecht, T. (Parkdale L)

Ruston, R. F. (Essex North L)

Samis, G. R. (Cornwall NDP)

Sargent, E. C. (Grey-Bruce L)

Scrivener, M. (St. David PC)

Sheppard, H. N. (Northumberland PC)

Shymko, Y. R. (High Park-Swansea PC)

**Snow, Hon. J. W.**, Minister of Transportation and Communications (Oakville PC)

Spensieri, M. A. (Yorkview L)

**Stephenson, Hon. B. M.**, Minister of Education and Minister of Colleges and Universities (York Mills PC)

**Sterling, Hon. N. W.**, Provincial Secretary for Resources Development (Carleton-Grenville PC)

Stevenson, K. R. (Durham-York PC)

Stokes, J. E. (Lake Nipigon NDP)

Swart, M. L. (Welland-Thorold NDP)

Sweeney, J. (Kitchener-Wilmot L)

**Taylor, Hon. G. W.**, Solicitor General (Simcoe Centre PC)

Taylor, J. A. (Prince Edward-Lennox PC)

**Timbrell, Hon. D. R.**, Minister of Agriculture and Food (Don Mills PC)

Treleaven, R. L. (Oxford PC)

**Turner, Hon. J. M.**, Speaker (Peterborough PC)

Van Horne, R. G. (London North L)

**Walker, Hon. G. W.**, Provincial Secretary for Justice (London South PC)

Watson, A. N. (Chatham-Kent PC)

**Welch, Hon. R. S.**, Deputy Premier and Minister responsible for Women's Issues (Brock PC)

**Wells, Hon. T. L.**, Minister of Intergovernmental Affairs (Scarborough North PC)

Wildman, B. (Algoma NDP)

Williams, J. R. (Orillia PC)

Wiseman, D. J., (Lanark PC)

Worton, H. (Wellington South L)

Wrye, W. M. (Windsor-Sandwich L)

Yakubski, P. J. (Renfrew South PC)

## MEMBERS OF THE EXECUTIVE COUNCIL

Davis, Hon. W. G., Premier and President of the Council

Welch, Hon. R. S., Deputy Premier and Minister responsible for Women's Issues

Wells, Hon. T. L., Minister of Intergovernmental Affairs

Bernier, Hon. L., Minister of Northern Affairs

Snow, Hon. J. W., Minister of Transportation and Communications

Bennett, Hon. C. F., Minister of Municipal Affairs and Housing

Miller, Hon. F. S., Minister of Industry and Trade

Timbrell, Hon. D. R., Minister of Agriculture and Food

Stephenson, Hon. B. M., Minister of Education and Minister of Colleges and Universities

McMurtry, Hon. R. R., Attorney General

Norton, Hon. K. C., Minister of Health

Drea, Hon. F., Minister of Community and Social Services

Grossman, Hon. L., Treasurer of Ontario and Minister of Economics

McCague, Hon. G., Chairman of Management Board of Cabinet and Chairman of Cabinet

Baetz, Hon. R. C., Minister of Tourism and Recreation

Elgie, Hon. R. G., Minister of Consumer and Commercial Relations

Walker, Hon. G. W., Provincial Secretary for Justice

Gregory, Hon. M. E. C., Minister of Revenue

Pope, Hon. A. W., Minister of Natural Resources

Leluk, Hon. N. G., Minister of Correctional Services

Ashe, Hon. G. L., Minister of Government Services

Ramsay, Hon. R. H., Minister of Labour

McCaffrey, Hon. R. B., Provincial Secretary for Social Development



Sterling, Hon. N. W., Provincial Secretary for Resources Development  
 Taylor, Hon. G. W., Solicitor General  
 Eaton, Hon. R. G., Minister without Portfolio  
 Andrewes, Hon. P. W., Minister of Energy  
 Brandt, Hon. A. S., Minister of the Environment  
 Dean, Hon. G. H., Minister without Portfolio  
 Fish, Hon. S. A., Minister of Citizenship and Culture

### PARLIAMENTARY ASSISTANTS

Birch, M. (Scarborough East), assistant to the Premier  
 Cureatz, S. L. (Durham East), assistant to the Solicitor General  
 Eves, E. L. (Parry Sound), assistant to the Minister of Education and the Minister of Colleges and Universities  
 Gillies, P. A. (Brantford), assistant to the Minister of Labour  
 Gordon, J. K. (Sudbury), assistant to the Minister of Community and Social Services  
 Harris, M. D. (Nipissing), assistant to the Minister of the Environment  
 Hennessy, M. (Fort William), assistant to the Minister of Northern Affairs  
 Hodgson, W. (York North), assistant to the Minister of Government Services  
 Kells, M. C. (Humber), assistant to the Minister of Transportation and Communications  
 Kennedy, R. D. (Mississauga South), assistant to the Minister of Intergovernmental Affairs  
 Lane, J. G. (Algoma-Manitoulin), assistant to the Minister of Tourism and Recreation  
 MacQuarrie, R. W. (Carleton East), assistant to the Attorney General  
 McNeil, R. K. (Elgin), assistant to the Minister of Agriculture and Food  
 Mitchell, R. C. (Carleton), assistant to the Minister of Health  
 Piché, R. L. (Cochrane North), assistant to the Minister of Revenue  
 Robinson, A. M. (Scarborough-Ellesmere), assistant to the Minister of Citizenship and Culture  
 Rotenberg, D. (Wilson Heights), assistant to the Minister of Municipal Affairs and Housing  
 Shymko, Y. R. (High Park-Swansea), assistant to the Provincial Secretary for Social Development  
 Stevenson, K. R. (Durham-York), assistant to the Treasurer of Ontario and Minister of Economics  
 Taylor, J. A. (Prince Edward-Lennox), assistant to the Minister of Industry and Trade  
 Watson, A. N. (Chatham-Kent), assistant to the Minister of Energy

Williams, J. R. (Orillia), assistant to the Minister of Consumer and Commercial Relations  
 Yakabuski, P. J. (Renfrew South), assistant to the Minister of Natural Resources

### STANDING COMMITTEES

Administration of justice: chairman, Mr. Kolyn; vice-chairman, Mr. Mitchell; members, Messrs. Breithaupt, Elston, Eves, Gillies, MacQuarrie, Renwick, Spensieri, Stevenson, Swart and J. A. Taylor; clerk, D. Arnott.

General government: chairman, Mr. McLean; vice-chairman, Mr. Harris; members, Messrs. Cooke, Eakins, Gordon, Haggerty, Henderson, Hennessy, Kennedy, McKessock, Samis and Sheppard; clerk, F. Carrozza.

Resources development: chairman, Mr. Barlow; vice-chairman, Mr. Williams; members, Messrs. Lane, Laughren, McLean, Piché, J. A. Reed, Riddell, Stokes, Sweeney, Watson and Wiseman; clerk, A. Richardson.

Social development: chairman, Mr. Robinson; vice-chairman, Mr. Sheppard; members, Mr. Allen, Mrs. Birch, Ms. Copps, Messrs. R. F. Johnston, Kells, McGuigan, McNeil, Pollock, Shymko and Wrye; clerk, L. Mellor.

Members' services: chairman, Mr. J. M. Johnson; vice-chairman, Mr. Havrot; members, Messrs. Boudria, Charlton, Grande, Hodgson, G. I. Miller, Rotenberg, Runciman, Ruprecht, Shymko and Yakabuski; clerk, G. White.

Procedural affairs: chairman, Mr. Treleaven; vice-chairman, Mr. Watson; members, Messrs. Breaugh, Cassidy, Cureatz, Edighoffer, Epp, J. M. Johnson, Mancini, McNeil, Rotenberg and Runciman; clerk, S. Forsyth.

Public accounts: chairman, Mr. T. P. Reid; vice-chairman, Mr. Harris; members, Messrs. Bradley, Cunningham, Kennedy, Kolyn, Philip, Robinson, Sargent, Mrs. Scrivener, Messrs. Wildman and Yakabuski; clerk, F. Carrozza.

Regulations and other statutory instruments: chairman, Mr. Kerr; vice-chairman, Mr. Hodgson; members, Ms. Bryden, Messrs. Cousins, Di Santo, Hennessy, Kerrio, McEwen, Piché, Pollock, Van Horne and Williams; clerk, L. Mellor.

### SELECT COMMITTEE

Ombudsman: chairman, Mr. Runciman; vice-chairman, Mr. Van Horne; members, Messrs. Breithaupt, Di Santo, Eakins, Hennessy, Hodgson, MacQuarrie, Mitchell, Philip, Piché and Shymko; clerk, G. White.

\*The lists in this appendix, brought up to date as necessary, are published in Hansard on the first Friday of each month and in the first and last issues of each session.

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**Appendix B**

Alphabetical list of members of the Legislature of Ontario, members of the executive council, parliamentary assistants and members of committees. . . . .	4323
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**SPEAKERS IN THIS ISSUE**

Aird, Hon. J. B., Lieutenant Governor  
Barlow, W. W. (Cambridge PC)  
Bradley, J. J. (St. Catharines L)  
Brandt, Hon. A. S., Minister of the Environment (Sarnia PC)  
Breaugh, M. J. (Oshawa NDP)  
Breithaupt, J. R. (Kitchener L)  
Cooke, D. S. (Windsor-Riverside NDP)  
Copp, S. M. (Hamilton Centre L)  
Cousens, D., Deputy Chairman and Acting Speaker (York Centre PC)  
Cunningham, E. G. (Wentworth North L)  
Davis, Hon. W. G., Premier (Brampton PC)  
Drea, Hon. F., Minister of Community and Social Services (Scarborough Centre PC)  
Eakins, J. F. (Victoria-Haliburton L)  
Eaton, Hon. R. G., Minister without Portfolio (Middlesex PC)  
Elgie, Hon. R. G., Minister of Consumer and Commercial Relations (York East PC)  
Epp, H. A. (Waterloo North L)  
Foulds, J. F. (Port Arthur NDP)  
Gillies, P. A. (Brantford PC)  
Gregory, Hon. M. E. C., Minister of Revenue (Mississauga East PC)  
Grossman, Hon. L. S., Treasurer and Minister of Economics (St. Andrew-St. Patrick PC)  
Johnston, R. F. (Scarborough West NDP)  
Jones, T., Deputy Speaker and Chairman (Mississauga North PC)  
Kerrio, V. G. (Niagara Falls L)  
Laughren, F. (Nickel Belt NDP)  
Leluk, Hon. N. G., Minister of Correctional Services (York West PC)  
Mackenzie, R. W. (Hamilton East NDP)  
Mancini, R. (Essex South L)  
Martel, E. W. (Sudbury East NDP)  
McClellan, R. A. (Bellwoods NDP)  
McGuigan, J. F. (Kent-Elgin L)  
McMurtry, Hon. R. R., Attorney General (Eglinton PC)  
Miller, Hon. F. S., Minister of Industry and Trade (Muskoka PC)  
Nixon, R. F. (Brant-Oxford-Norfolk L)  
Norton, Hon. K. C., Minister of Health (Kingston and the Islands PC)  
Peterson, D. R. (London Centre L)  
Philip, E. T. (Etobicoke NDP)  
Rae, R. K. (York South NDP)  
Ramsay, Hon. R. H., Minister of Labour (Sault Ste. Marie PC)  
Reid, T. P. (Rainy River L-Lab.)  
Renwick, J. A. (Riverdale NDP)  
Rotenberg, D. (Wilson Heights PC)  
Ruprecht, T. (Parkdale L)  
Ruston, R. F. (Essex North L)  
Swart, M. L. (Welland-Thorold NDP)  
Sweeney, J. (Kitchener-Wilmot L)  
Taylor, Hon. G. W., Solicitor General (Simcoe Centre PC)  
Timbrell, Hon. D. R., Minister of Agriculture and Food (Don Mills PC)  
Turner, Hon. J. M., Speaker (Peterborough PC)  
Walker, Hon. G. W., Provincial Secretary for Justice (London South PC)  
Wells, Hon. T. L., Minister of Intergovernmental Affairs (Scarborough North PC)  
Wildman, B. (Algoma NDP)  
Wrye, W. M. (Windsor-Sandwich L)















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